

The Scottish Government  
5 Atlantic Quay  
150 Broomielaw  
Glasgow  
G2 8LU  
For the attention of Allan Kelly

**SSE Renewables**  
1 Waterloo Street  
Glasgow  
G2 6AY

21st January 2026

Dear Allan,

**THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND) REGULATIONS 2013 APPLICATION FOR VARIATION UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 AND DIRECTION UNDER SECTION 57(2) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 THAT DEEMED PLANNING PERMISSION IS VARIED, OF THE SECTION 36 CONSENT TO CONSTRUCT AND OPERATE BHLARAI DH WIND FARM EXTENSION, IN THE HIGHLAND COUNCIL PLANNING AUTHORITY AREA.**

SSE Generation Limited ("the Applicant") seeks a variation under Section 36C of the Electricity Act 1989 and the Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013 to the Description of Development provided in Annex 1 of the Section 36 Consent for the proposed Bhlaraiddh Wind Farm Extension, together with a direction under Section 57 (2) of the Town and Country Planning (Scotland) Act 1997. In addition to seeking a variation to the Annex 1 Description of Development, the Applicant seeks variations to certain of the conditions contained in Annex 2 of the current Section 36 Consent and updated conditions to the requested grant of deemed planning permission to reflect the changes to the Description of the Development, and to update the current conditions. This application under Section 36C and Section 57(2) is hereinafter referred to as the "Variation Application".

This cover letter includes the following appendices:

- Cover Letter – Appendix 1: Decision Letter – Bhlaraiddh Extension Wind Farm S36
- Cover Letter – Appendix 2: Draft Variations to Annex 1 and 2
- Cover Letter – Appendix 3: Figure 1.2: Site Layout Plan
- Cover Letter – Appendix 4: Public Notice
- Cover Letter – Appendix 5: Marine Directorate Checklist

An Environmental Impact Assessment (EIA) Report is submitted with the application in accordance with The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (2017 Regulations). The documentation submitted with this application includes:

- The EIAR comprises of the following volumes:
  - Volume 1: Non-Technical Summary (NTS);
  - Volume 2: Main Report;
  - Volume 3: Figures;
  - Volume 3a: Visualisations (NatureScot);
  - Volume 3b: Visualisations (THC);
  - Volume 4: Technical Appendices; and
  - Volume 5: Confidential Annex.
- Supporting Documents
  - Planning Statement;
  - Pre-Application Consultation Report;
  - Socio-Economic Report; and
  - This covering letter.

In accordance with Regulation 3(1)(b) of the 2013 Regulations, the Proposed Varied Development is a 15-turbine wind farm with associated ancillary buildings and features, and is located on the located on the Glenmoriston Estate, north-west of Invermoriston in the Great Glen. The British National Grid (BNG) reference for the centre point of the Turbine Development Area is 239512, 820991. The site is contained entirely within the Highland Council planning authority area. A map of the site area and the new site layout is included as **Appendix 3**.

In accordance with Regulation 3(1)(c) the reasons for seeking a variation to the current Section 36 consent are stated in the Non-Technical Summary and in the relevant Chapters of the EIA Report that accompanies this Variation Application and are summarised below:

- The increase in tip height would substantially increase the energy yield from the Consented Development, thus improving the commercial viability of the project;
- Re-orientation of certain hardstands and minor track re-alignments would optimise the site layout and reduce required track length, resulting in associated environmental benefits; and
- The Proposed Varied Development would make an even greater contribution to the achievement of legally binding UK and Scottish Government net-zero targets.

In accordance with Regulation 3(1)(d) a draft of the requested variations to Annex 1 and Annex 2 of the Section 36 consent is provided in **Appendix 2**.

The Proposed changes to the Annex 1 Description of Development are principally:

- An increase in Wind Turbine Generator (WTG) tip height from 180m to up to 230m, with associated changes to the nominal hub height and rotor diameter;
- An associated increase to crane hardstanding and laydown areas at each WTG location;

- Some hardstands have been repositioned /reorientated to improve and reduce earthworks requirements and in response to turbine repositioning.
- Moderate alterations to access track layout and very slight change to the approximate length of the new track to approximately 8.1km;
- An addition of one turning head to the track layout, resulting in a total of 9 turning heads; and
- Up to 7 borrow pit areas
- Slight amendment to two routes cross country cabling

The Proposed changes to Annex 2 Conditions are shown as tracked changes. The exact wording of the conditions will be reviewed and agreed prior to final decision on the application.

The Applicant is also seeking a direction under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 ("the 1997 Act") that planning permission is deemed to be granted in respect of the Proposed Varied Development.

The variation application also requests that a direction be made by the Scottish Ministers under section 57(2) of the Town and Country Planning (Scotland) Act 1997 that deemed planning permission be varied for the development.

In accordance with Regulation 3(2) it is proposed that the section 57(2) direction should be made to allow adequate time to finalise the detailed design following consent and prepare and procure services and equipment ahead of construction commencement.

In accordance with Regulations 4(2)(a) and 4(2)(c), as well as 2017 Regulations, the application and EIA Report will be advertised as follows:

- On the Applicants website ([Bhlaraidh Extension | SSE Renewables](#))
- The Herald (30<sup>th</sup> January 2026 and 6<sup>th</sup> February 2026)
- The Edinburgh Gazette (30<sup>th</sup> January 2026 and 6<sup>th</sup> February 2026); and
- The Inverness Courier(30<sup>th</sup> January 2026 and 6<sup>th</sup> February 2026).

In accordance with Regulation 4(2)(b), a copy of the application will be served on the Highland Council as lead planning authority. Notice has also been served on the landowner, in compliance with Regulation 4(2)(d).

A copy of the agreed public notice is enclosed with this letter (**Appendix 4**).

On the basis of the information provided in the supporting documents that are lodged in support of this application and having regards to the additional information provided in this application letter to meet the requirements of Regulation 3 of the 2013 Regulations, the Applicant requests that the Scottish Ministers grant the Variation Application and make the proposed variations to the current Section 36 consent and make the Section 57(2) direction sought, subject to such other directions or conditions as the Scottish Ministers consider to be appropriate.

Yours sincerely,

A solid black rectangular box used to redact the signature of the representative.

**Tina Cordner**  
**Consents Strategy Manager**

# **Appendix 1: Decision Letter – Bhlaraidh Extension Wind Farm S36**



T: 0131 244 1197  
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Jane MacDonald  
Consents Manager  
**SSE Renewables Limited**  
1, Waterloo Street  
Glasgow  
G2 6AY

30 August 2022

Dear Ms MacDonald

**CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 AND DEEMED PLANNING PERMISSION UNDER SECTION 57(2) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 FOR THE CONSTRUCTION AND OPERATION OF BHLARAI DH WIND FARM EXTENSION IN THE HIGHLAND COUNCIL PLANNING AUTHORITY AREA**

**Application**

I refer to the application ("the Application") made on 16 August 2021 under the Electricity Act 1989 ("the Electricity Act") by SSE Renewables on behalf of SSE Generation Limited ("the Company") for the construction and operation of the Bhlaraiddh Wind Farm Extension ("the Proposed Development") an electricity generating station with a generating capacity in excess of 50 megawatts ("MW"). The Company is incorporated under the Companies Acts (company number 02310571) and having its registered office at 1 Forbury Place, 43 Forbury Road, Reading, United Kingdom RG1 3JH.

**This letter contains the Scottish Ministers' decision to grant section 36 consent for the Proposed Development as described at Annex 1.**

**Planning Permission**

In terms of section 57(2) of the Town and Country Planning (Scotland) Act 1997 the Scottish Ministers, may on granting consent under section 36 of the Electricity Act for the construction and operation of a generating station, direct that planning permission be deemed to be granted in respect of that generating station and any ancillary development.

This letter contains the Scottish Ministers' direction that planning permission is deemed to be granted.

## **Background**

The Proposed Development is located on land owned by the Glenmoriston Estate which is west of Loch Ness and the Great Glen in an area of high rocky plateau. The open, undulating moorland of the Site features several rocky outcrops, small hills, many lochs, lochans, watercourses and areas of bog. The nearest settlement is the village of Invermoriston which is approximately 5 kilometres (“km”) to the south. Fort Augustus is approximately 16 km to the south and Inverness approximately 35km to the south west.

The Proposed Development will be located on adjoining land to the east of the operational Bhlaraidh Wind Farm which is also owned and operated by the Company.

Bhlaraidh Wind Farm was granted consent and deemed planning permission in January 2014. It has 32 turbines, each with a blade tip height of 135 metres (“m”) and a maximum generating capacity of up to 108MW. It has been operational since August 2017.

The Proposed Development will utilise access tracks and roads and other infrastructure currently in place for Bhlaraidh Wind Farm. The Proposed Development will act as an extension to the operational Bhlaraidh Wind Farm.

The location of the Proposed Development is at the edge of the safeguarded area for Inverness Airport which is approximately 61km to the northeast. It is also within the Ministry of Defence (“MoD”) Low Flying Area 14 which is designated as a low priority military flying area.

The Proposed Development is within the catchment of the River Moriston Special Area of Conservation (“the SAC”) which is designated for Atlantic Salmon and Fresh Water Mussel. The Proposed Development’s temporary construction compound will be located 18.75m to the north of the SAC. It is however separated from the SAC by the main A887 road and would be constructed on previously disturbed ground that is currently bare/gravelled and used for vehicle parking. (see **Conservation of Habitats and Species Regulations** below).

The period of consent applied for relating to construction and operation of the Proposed Development is 50 years.

## **Aviation lighting**

Article 222 of the UK Air Navigation Order 2016 requires medium intensity (2000 candela) steady red aviation warning lights to be mounted as close as possible to the top of all structures at or above 150m above ground level. This lighting would be required to be visible at night. In advance of the Application being submitted the Company secured agreement with the Civil Aviation Authority (“the CAA”) that despite the turbines of the Proposed Development being above 150m there would be no requirement for such aviation warning lights on any turbine. The basis of this was that while the tip heights of the Proposed Development are higher than the operational Bhlaraidh Wind Farm, the topography at the Proposed Development is lower and therefore the height above sea level is lower.

The CAA advised that the only lighting required would be “*infra-red lights to MoD specification installed on the nacelles of perimeter turbines: Turbines 2, 5, 7, 13, 18, 28 and 31*” none of which would be visible at night.

### **Additional Information – amendments to the Proposed Development**

The number of turbines applied for in the Application was 18, each with a maximum blade tip height of 180m. In its consultation response to the Scottish Ministers, the Highland Council advised that it would raise no objection to the Proposed Development subject to the removal of turbines 13, 14 and 18 and associated infrastructure and the imposition of conditions. The Company agreed to do so. The Scottish Ministers subsequently made a formal request, in accordance with Regulation 19 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations, to the Company for Additional Information in respect of effects and impacts, if any, that the removal of the three turbines would have. In March 2022 the Company submitted the requested Additional Information and the statutorily required consultation was initiated by the Scottish Ministers on 25 March 2022.

The locations of the remaining 15 turbines are unchanged from those in the 18 turbine Proposed Development. The turbine numbering is the same as that set out in the Application documentation.

The CAA-approved lighting scheme included provision of lights to delineate the perimeter of the combined operational Bhlaraidh Wind Farm and the 18 turbine Proposed Development. This scheme included lights on turbines 13, 14 and 18 of the Proposed Development but as a result of their removal the approved lighting scheme has been re-designed and to maintain the marking of the eastern boundary of the Proposed Development, turbines 15 and 17 will now be fitted with infra-red lighting.

### **Legislation**

Under paragraph 2(1) of Schedule 8 to the Electricity Act and the (Applications for Consent) Regulations 1990 (“the Consents Regulations”) made under the Electricity Act, the relevant Planning Authority – the Highland Council in this case - is required to be notified in respect of a section 36 consent application.

On 16 August 2021, in accordance with the Electricity Works (Environmental Impact Assessment)(Scotland) Regulations 2017 (“the EIA Regulations”) and The Electricity Works (Miscellaneous)(Coronavirus)(Scotland) Regulations 2020, the Company submitted an Environmental Impact Assessment report (“the EIA report”) in support of the Application describing the Proposed Development and giving an analysis of its environmental effects.

In accordance with requirements of the EIA Regulations and the requirements of the Consents Regulations, the EIA report and all associated documentation was made available for public inspection. Notices were published in the Edinburgh Gazette as well as in national newspapers, on the application website and in newspapers circulated in the respective local communities affected by the Proposed Development

informing the public of the application and, if they wished to do so, how representations to the Scottish Ministers could be made.

To comply with the EIA Regulations, the Scottish Ministers are required to consult the relevant Planning Authority, as well as Historic Environment Scotland (“HES”), the Scottish Environment Protection Agency (“SEPA”) and NatureScot and other persons that are likely to be concerned by the Proposed Development by reason of their specific environmental responsibilities.

In March 2022, the Company submitted Additional Information relating to changes of likely significant effects (or lack of) resulting from the removal of three turbines as required by the Highland Council. In accordance with Regulation 20 of the EIA Regulations, the Additional Information was made available for public inspection. Further notices were published in the Edinburgh Gazette, the application website and in newspapers circulated in the respective local communities informing the public of the Additional Information and, if they wished to do so, how representations to the Scottish Ministers could be made.

To comply with the EIA Regulations, the Scottish Ministers, with regards to the Additional Information, are required to consult the relevant Planning Authority, as well as HES, SEPA and NatureScot and other persons that are likely to be concerned by the Proposed Development by reason of their specific environmental responsibilities.

The Scottish Ministers are satisfied that, in accordance with requirements of both the Consents Regulations and the EIA Regulations, a notice of the Proposed Development was published on the application website and advertised in local and national press. The Application and the Additional Information were also placed in the public domain, and the opportunity given for those wishing to make representations to do so. Notifications were sent to the Highland Council as the relevant Planning Authority as well as to HES, SEPA and NatureScot.

The Scottish Ministers have had regard to the requirements regarding publicity and consultation laid down in the Consents Regulations and EIA Regulations and are satisfied that the general public as well as statutory and other consultees have been afforded the opportunity to consider and make representation on the Proposed Development.

The Scottish Ministers have had regard to the matters set out in Schedule 9 of the Electricity Act in respect of the desirability of preserving the natural beauty of the countryside, of conserving flora, fauna and geological and physiological features of special interest and of protecting sites, buildings and objects of architectural, historic, or archaeological interest. The Scottish Ministers shall avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters.

In accordance with section 36(5A) of the Electricity Act, before granting any section 36 consent the Scottish Ministers are also required to:

- obtain SEPA advice on matters relating to protection of the water environment; and

- have regard to the purposes of Part 1 of the Water Environment and Water Services (Scotland) Act 2003.

SEPA's advice has been considered as required with due regard given to the purposes of Part 1 of the Water Environment and Water Services (Scotland) Act 2003. In addition to highlighting regulatory requirements, SEPA advised that they have no objection to the Proposed Development subject to the imposition of conditions. These are included in Annex 2.

The Scottish Ministers are satisfied that the EIA report (including the Additional Information) has been produced in accordance with the EIA Regulations. The Scottish Ministers have assessed the environmental impacts of the Proposed Development and taken the environmental information, being the Application, EIA report, the Additional Information, consultation responses and representations into consideration in reaching their decision.

The Scottish Ministers consider that there is sufficient information to be satisfied that the Company has had regard to the desirability of preserving the natural beauty of the countryside, of conserving flora, fauna, and geological and physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic, or archaeological interest.

The Scottish Ministers are satisfied that the Company has done what it reasonably can to mitigate any effect, which the proposals would have on the natural beauty of the countryside, or any such flora, fauna, features, sites, buildings or objects.

The Scottish Ministers are satisfied that the Company has avoided so far as possible, causing injury to fisheries or to stock of fish in any waters.

### **Conservation of Habitats and Species Regulations**

The Conservation of Habitats and Species Regulations 2017 ("the Habitats Regulations") require the Scottish Ministers to consider whether the Proposed Development would be likely to have a significant effect on a European site or European offshore marine site (either alone or in combination with other plans or projects), as defined in the Habitats Regulations, and if the Proposed Development is directly connected with or necessary to the management of the site.

In their response to the Application consultation NatureScot advised that the following 'European sites' are close to the Proposed Development and consequently, the Scottish Ministers, in compliance with the Habitats Regulations, are required to undertake an Appropriate Assessment in respect of each of them:

- the Loch Knockie and Nearby Lochs Special Protection Area (designated for slavonian grebe );
- the Loch Ruthven Special Protection Area (designated for slavonian grebe);
- the North Inverness Lochs Special Protection Area (designated for slavonian grebe);
- the River Moriston Special Area of Conservation (designated for Atlantic salmon and fresh water pearl mussel).

The Scottish Ministers can confirm that the relevant Appropriate Assessments have been carried out (see Annex 4). The environmental information to inform the appraisals relating to the Special Protection Areas and the Special Area of Conservation listed above was presented Appendix 6.4 (Habitats Regulations Appraisal – Volume 4) the EIA report which accompanied the Application.

In Appendix 5.4 (Fish Habitat and Population Baseline Survey) of Volume 4 of the EIA report it is stated that *“the access route (an existing track to the operational wind farm) and some peripheral areas of the site drain towards the River Morison”*. This relates to a stream, Allt Loch a’Chrathaich, which a survey found to carry *“almost no water due to abstraction”* and *“therefore almost entirely unsuited to fish production”*. It was stated in Appendix 5.4 *“Migratory salmonids (salmon and sea trout) do not have access to the development site due to the presence of natural obstacles”*. The River Moriston SAC was not subject to a Habitats Regulations Appraisal in the EIA report. Information relevant to and required for an Appropriate Assessment to be completed in respect of the River Moriston SAC was subsequently provided by NatureScot.

The Appropriate Assessments have therefore been produced using information already advertised in accordance with the EIA regulations. The conclusion of the Scottish Ministers is that, subject to the mitigation measures identified in Chapter 16 (Schedule of Environmental Commitments) in Volume 1 of the EIA report, secured through the imposition of conditions attached to the planning permission at Annex 2, the Proposed Development will not, either alone or in combination with other Developments, adversely affect the integrity of any qualifying interest of any of the designated sites listed above.

### **Consultees Responses**

A summary of all consultation responses is provided below. The full responses are available on the Energy Consents Unit website [www.energyconsents.gov.scot](http://www.energyconsents.gov.scot)

### **Statutory Consultees**

**The Highland Council** assessed the Proposed Development against a wide range of national and local policies including the following:

- National Planning Framework 3;
- Scottish Planning Policy (June 2014);
- Highland Wide Local Development Plan 2012;
- Inner Moray Firth Local Development Plan (IMFLDP) (2015);
- The Highland Council Supplementary Guidance (Onshore Wind Energy Supplementary Guidance, Nov 2016 (OWESG)).

Having received no objection from any internal consultee (eg the Council’s Development Plans Team, Flood Risk Management Team, Forestry Team and Environmental Health Officer) the Highland Council concluded that the Proposed Development is *“on balance, considered acceptable in terms of the Development Plan, national policy and is acceptable in terms of all other applicable material considerations subject to the removal of turbines 13, 14 and 18 and associated infrastructure”* and **do not object** subject to the removal of these turbines and the

imposition of conditions. The conditions sought by the Highland Council are contained in Annex 2.

In response to the Additional Information consultation, the Highland Council maintained their no objection subject to the removal of the three turbines and the imposition of conditions.

The Scottish Ministers have given consideration to the Highland Council's responses to both consultations and have imposed appropriately worded conditions at Annex 2.

**HES** do not object to the Proposed Development on the basis that it would not have any "*direct physical effects*" on any assets within their remit. HES also advised that they are "*content*" that the Proposed Development "*would not affect the integrity of the setting of scheduled monuments in the surrounding area*". HES also advised that they are "*satisfied*" that the Proposed Development "*would not raise issues of national interest for our remit*".

HES maintained this position in their response to the Additional Information consultation.

**NatureScot** do not object to the Proposed Development. In their response to the Application consultation NatureScot raised concerns regarding the following:

- impacts on the River Moriston SAC;

Please see **Conservation of Habitats and Species Regulations** above.

- impacts on Golden Eagle;

NatureScot have concerns regarding the impacts the Proposed Development will have on available habitat for Golden Eagles which will have negative implications for the population in the region. They noted however, that there would be scope for an improved Habitat Management Plan to include "*a regional scale management plan for Eagles which would mitigate the negative effects*" of the Proposed Development.

In response to the Additional Information consultation NatureScot advised "*We welcome the commitments to a habitat management plan. Again our advice is that basic details should be provided ahead of any consent, such as the minimum area which will be managed and an accompanying map of the area*".

The Scottish Ministers have given consideration to NatureScot's responses relating to Golden Eagles and have imposed appropriately worded conditions at Annex 2.

- landscape and visual impacts;

NatureScot advised that although they were in agreement with the conclusions in the EIA report regarding landscape and visual impacts (singular and cumulative), they believed that the Proposed Development would have significant adverse landscape and visual effects on three views:

- from the promoted Suidhe viewpoint on the B862 on the south-eastern side of Loch Ness;
- from Meall Fuar-mhonaidh which is popular with both tourists and local walkers; and
- from the B862 south of Foyers and from nearby settlement as represented by Viewpoint 7 where the Proposed Development would be seen with the proposed Corriegarth 2 Wind Farm.

In their response to the Additional Information consultation NatureScot stated “*The removal of 3 turbines slightly improves the design of the wind farm when seen from most viewpoints. This is due to a more balanced composition of the turbine layout and the removal of outlying turbines when seen from some viewpoints*”.

- impacts on carbon rich soils, deep peat and priority peatland habitat.

In their response to the Application consultation, NatureScot welcomed “*the tentative offer*” from the Company “*to restore a larger area of peatland*”. NatureScot also stated “*We advise that the permanent loss of habitat cannot be offset, but improving the condition of other areas does go some way to mitigating that permanent loss. It is also the case that it takes many years for restored peatland to deliver all the services of the original habitat and that at least some restoration failures should be anticipated*”. They also stated “*We recommend that an updated OHMP [Outline Habitat Management Plan], to taking this into account, is provided prior to any consent and secured by condition*”.

In their response to the Additional Information consultation NatureScot welcomed the commitment to a Habitat Management Plan and regional Eagle conservation management plan. In relation to impacts on carbon rich soils, deep peat and priority peatland habitat NatureScot repeated their advice regarding the requirement for an updated Outline Habitat Management Plan which should “*include to a commitment to restore several times the area currently being offered*”.

The Scottish Ministers have given consideration to NatureScot’s responses relating to impacts on carbon rich soils, deep peat and priority peatland habitat and have imposed appropriately worded conditions at Annex 2 which secure the recommended mitigation measures.

**SEPA** do not object to the Proposed Development subject to the imposition of conditions relating to :

- a finalised Peat Management Plan;
- adherence to the mitigation measures outlined in chapter 16 (Schedule of Environmental Commitments of Volume 1 of the EIR report; and
- the implementation of the design changes and further actions outlined in Table 5.5.4 of Appendix 5.5 (Peatland Condition Assessment) in Volume 4 of the EIA report to limit impact on high quality habitat.

SEPA also asked for conditions relating to:

- micro-siting of turbines of up to 50m should not go onto deeper peat;

- so that they can be suitably protected from disturbance during construction the requirement to physical marking on site of two specific mire habits (identified as 2a and 2b in the M11 Target Notes on Figure 5.6 – Assessed Groundwater Dependent Terrestrial Ecosystems – Volume 2 of the EIA report;
- adherence to a finalised Habitat Management Plan with no less than 6.93 ha of peatland improvement works;
- the restoration of borrow pits;
- a finalised Decommissioning and Restoration Plan

SEPA maintained this position in their response to the Additional Information consultation.

The Scottish Ministers have given consideration to SEPA's responses to both consultations and have imposed appropriately worded conditions at Annex 2 to secure their recommendations.

#### Non-statutory consultees

In their response to the Application consultation **Defence Infrastructure Organisation** ("DIO") advised that, subject to conditions, they have no objection to the Proposed Development. DIO advised "*In this case the development falls within Low Flying Area 14 (LFA 14), an area within which fixed wing aircraft may operate as low as 250 feet or 76.2 metres above ground level to conduct low level flight training. The addition of turbines in this location has the potential to introduce a physical obstruction to low flying aircraft operating in the area*". To address this they require conditions for infra-red lighting to be installed on each of the perimeter turbines. DIO also require a condition relating to "*Aviation Charting and Safety Management*" whereby they are informed in advance of turbines being erected; the maximum height of all construction equipment used to erect the turbines; the date on which the turbines commence operation and the latitude and longitude and maximum heights of each wind turbine and any anemometer mast/s.

DIO maintained this position in their response to the Additional Information consultation.

The Scottish Ministers have given consideration to DIO's responses to both consultations and have imposed appropriately worded conditions at Annex 2.

In their response to the Application consultation **Fort Augustus & Glenmoriston Community Council** stated concerns relating to:

- impacts on public access for recreation purposes;
- light pollution caused by aviation lighting;
- increased traffic through local communities.

Fort Augustus & Glenmoriston Community Council did not respond to the Additional Information consultation. The Scottish Ministers have given consideration to Fort Augustus & Glenmoriston Community Council's response and are satisfied that the imposition of appropriately worded conditions at Annex 2 will address the issues raised.

In their response to the Application consultation **Glenurquhart Community Council** objected to the Proposed Development for the following reasons:

- it *“is visually intrusive and highly visible from the top of a Meall Fuar-mhonaidh, spoiling views to the west”*;
- it *“is in a sensitive area with many lochans and peat areas which will be carved up by roads and crane pads during construction and later maintenance access”*;
- *“Construction of roads and associated drainage ditches will have a catastrophic impact on the flora and fauna, particularly in relation to access for amphibians and fish life in the area”*;
- *“There are a number of re-wilding projects currently being planned for surrounding areas, expansion of this development could have an adverse impact on these projects, and a balance should be sought between the potentially conflicting projects. We do not see that this has been noted in the application being considered”*;
- *“Rather than expansion of windfarms consideration needs to be given to alternative renewable energy generation schemes”*.

Glenurquhart Community Council maintained this position in their response to the Additional Information consultation.

In their response to the Application consultation **RSPB Scotland** stated that they object to the Proposed Development because of *“insufficient assessment of the impacts”* it will have on slovanian grebe. However, RSPB Scotland also state that this will be the case *“Unless a condition is attached to any consent stating construction of turbines 18 and 13 shall be outwith the breeding season for Slavonian Grebe (April – August) or, alternatively, details of appropriate mitigation are submitted as part of a Breeding Birds Protection Plan”*.

RSPB Scotland also requested conditions relating to *“additional habitat restoration and positive habitat management”* including the protection of Black Grouse during the lekking season and *“appropriate levels of deer control”* to protect the Levishe Wood SSSI, designated for its upland birch woodland.

In their response to the Additional Information consultation RSPB Scotland stated that following the removal of turbine 13 and turbine 18, their objection was withdrawn. The requirement for the imposition conditions stated in the response to the Application consultation was re-stated.

The Scottish Ministers have given consideration to RSPB Scotland’s responses to both consultations and have imposed appropriately worded conditions at Annex 2 which secure the recommended mitigation measures.

In their response to the Application consultation **Scottish Water** stated that they have no objection to the Proposed Development. They advised that there are no Scottish Water drinking water catchments or water abstraction sources which are designated as Drinking Water Protected Areas under the Water Framework Directive in the area that may be affected by the Proposed Development. However, they also advised that the Proposed Development may impact on existing Scottish Water assets and this

requires to be discussed between the Company and Scottish Water. This position was maintained in their response to the Additional Information consultation.

In their response to the Application consultation **Strathglass Community Council** objected to the Proposed Development for a number of reasons:

- impacts on peat;
- impacts on the Glen Affric National Scenic Area and National Nature Reserve in terms of nature and visual impacts;
- adverse economic impacts due to visual impacts on Glen Affric; and
- adverse impacts upon wild land areas and the Loch Ness and Duntelchaig Special Landscape Area.

It considers these impacts would be as a result of the Proposed Development on its own as well as cumulatively with other Developments around the area.

Strathglass Community Council maintained their objection in their response to the Additional Information consultation.

The following consultees stated in their responses to the Application consultation that they have no objection to the Proposed Development:

- Aberdeen International Airport;
- British Horse Society;
- Crown Estate Scotland;
- Highland & Islands Airports Limited;
- Joint Radio Company;
- NATS safeguarding.

BT stated in their response to the Application consultation that they had no objection to the Proposed Development. They did not submit a response to the Additional Information consultation. In response to both the Application consultation and the Additional Information consultation Mountaineering Scotland advised that they had “*no comments to make at this time*” and Fisheries Management Scotland advised that Ness District Salmon Fishery Board should be consulted.

The following consultees did not submit responses to either consultation:

- Beaulieu District Salmon Fishery Board;
- Civil Aviation Authority;
- John Muir Trust;
- Marine Scotland Science;
- Ness & Beaulieu Fisheries Trust;
- Ness District Salmon Fishery Board;
- Nuclear Safety Directorate;
- Scottish Rights of Way and Access Society (ScotWays);
- Visit Scotland.

## Internal Scottish Government Advisors

**Ironside Farrar** are advisors to the Scottish Ministers on Peat Landslide and Hazard Risk Assessment (“PLHRA”). Ironside Farrar advised that a revised PLHRA submitted by the Company was considered sufficient.

**Scottish Forestry** do not object to the Proposed Development because it “*has very limited potential to impact on the forests and/or woodlands in the area*”. They did not respond to the Additional Information consultation.

**Transport Scotland** do not object to the Proposed Development subject to there being conditions relating to visibility splays from the access; a Construction Traffic Management Plan, details of the final abnormal road route; wheel washing facilities and any temporary traffic measures required must be undertaken by a quality assured traffic management consultant.

The Scottish Ministers have attached appropriately worded conditions within Annex 2 which give effect to Transport Scotland’s requirements.

## Representations

A total of 29 representations were received, 13 being objections to the Proposed Development and 16 being in support of it.

Issues raised in the representations objecting to the Proposed Development included:

- landscape and visual impacts, singularly and cumulatively;
- proliferation of wind turbines in the area;
- impacts on Glen Affric National Scenic Area;
- impacts on tourism;
- impacts on Central Highlands Wild Land Area;
- increased traffic through local communities;
- micro siting allowance;
- impacts of aviation lighting;
- concrete turbine foundations will remain after wind farm ceases operation.

Issues raised in the representations in support of the Proposed Development included:

- socio-economic benefits to the area’s business community;
- creation of jobs;
- contribution to the Scottish Government meeting its targets on reducing carbon emissions.

The representations are available to view in full on the Energy Consents Unit website [www.energyconsents.gov.scot](http://www.energyconsents.gov.scot)

It is noted by the Scottish Ministers that neither the Highland Council nor NatureScot objected in relation to impacts on the Glen Affric National Scenic Area or the Central Highlands Wild Land Area. It also noted by the Scottish Ministers that the aviation lighting agreed to by the CAA does not involve night time lighting that is visible to the

human eye and that no objection was received in relation to impacts of aviation lighting from the Highland Council or Naturescot. With regards to micro siting, the 50m allowance agreed is the standard allowance and a condition will be imposed which ensures that, if it is utilised, it will avoid, as far as possible, any consequent adverse impacts. It is noted by the Scottish Ministers that no consultee, including SEPA, objected to or raised any concerns relating to the 50m micro siting allowance.

The Scottish Ministers are satisfied that the matters raised in the objections have been appropriately assessed and taken into account in the determination of the Proposed Development.

### **Public Inquiry**

In terms of paragraph 2(2) of Schedule 8 to the Electricity Act if a planning authority makes an objection and that objection is not withdrawn, the Scottish Ministers must cause a Public Inquiry to be held unless the Scottish Ministers propose to accede to the application subject to such modifications or conditions as will give effect to the objection of the planning authority. In this case the Highland Council did not object to the Proposed Development subject to the removal of three turbines and the imposition of conditions. The Company agreed to this and submitted Additional Information detailing the anticipated effects and impacts regarding the removal of three turbines. In response to the Additional Information consultation the Highland Council stated that they did not object to the Proposed Development subject to conditions. Consequently, a Public Inquiry is not a statutory requirement.

Paragraph 3 of Schedule 8 provides that where the Scottish Ministers are not, by virtue of paragraph 2(2), to cause a Public Inquiry to be held, but objections or copies of objections have been sent to the Scottish Ministers, the Scottish Ministers must consider those objections together with all other material considerations with a view to determining whether a Public Inquiry should be held with respect to the application and, if they think it appropriate to do so, they must cause a Public Inquiry to be held.

The Scottish Ministers have considered the objections raised by Fort Augustus & Glenmoriston Community Council, Glenurquhart Community Council and Strathglass Community Council and those raised in the thirteen public representations and, having taken all material considerations into account, decided that a Public Inquiry is not required.

The Scottish Ministers are content there is sufficient information to be able to make an informed decision on the Application and that they can weigh all the conflicting issues without recourse to hold a Public Inquiry.

The Scottish Ministers are satisfied that both the public and the consultative bodies have been afforded ample opportunity for their objections to be made and that little would be added to the Scottish Ministers' understanding of parties' positions by discussing representations in a Public Inquiry forum.

## **THE SCOTTISH MINISTERS' CONSIDERATIONS**

### **Policy Context Climate Change and Renewable Energy Targets**

#### **Climate Change and Renewable Energy Targets**

The seriousness of climate change, its potential effects and the need to cut carbon dioxide emissions, remain a priority of the Scottish Ministers. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, introduced a target of net zero greenhouse gas emissions by 2045 at the latest. Scotland will also have to reduce emissions by at least 75% by 2030 and 90% by 2040. Scotland's Climate Change Plan 2018-2032, sets out the road map for achieving those targets and has set the goal of 50% of Scotland's energy need to be met by renewable energy by 2030. The Climate Change Plan Update (CPPu) was published in December 2020 and sets out the Scottish Government's approach to deliver a green recovery and pathway to deliver world leading climate change targets.

#### **Scottish Energy Strategy and Onshore Wind Policy Statement**

Scottish Energy Strategy ("SES") and Onshore Wind Policy Statement ("OWPS") were published in December 2017. SES sets out a vision for the future energy system in Scotland through to 2050 and sets out the priorities for an integrated system-wide approach that considers the use and supply of energy for heat, power and transport. SES provides a long-term vision to guide energy policy decisions to tackle the challenges of decarbonising heat and transport in order to meet Scotland's long-term energy and climate change targets.

The OWPS reaffirms the vital role for onshore wind in meeting Scotland's energy targets. The statement sets out the Scottish Government's position for the ongoing need for more onshore wind development and capacity in locations across Scotland where it can be accommodated in appropriate locations.

#### **National Planning Framework 3 ("NPF3")**

NPF3 was published in June 2014 and it sets out the long term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy, that has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland, and the transition to a low carbon economy. NPF3 sets out strategic outcomes aimed at supporting the vision;

- a successful, sustainable place;
- a low carbon place;
- a natural resilient place; and
- a connected place.

NPF3 establishes the Scottish Government's commitment to establishing Scotland as a leading location for the development of renewable energy technology. Amongst its wide-ranging policies, NPF3 sets out the need for a strategy to reduce reliance on fossil fuels. It emphasises, not just the challenges in embracing a renewable and low

carbon economy, while protecting and sustaining environmental assets, but also the wider benefits that this will bring, especially in employment creation. It sets out that onshore wind will continue to make a significant contribution to the diversification of energy supplies.

### **Scottish Planning Policy (“SPP”)**

SPP aligns itself with NPF3 and contains guidance in respect of the granting of consent for wind farm development and is to be read and applied as a whole. It sets out overarching principal policies to be applied to all development and subject policies which set out guidance in respect of development management.

An overarching principle of SPP is that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits over the longer term. The aim is to achieve the correct development in the right place. It is not to allow development at any cost. SPP sets out that policies and decisions should be guided by certain principles giving due weight to:

- net economic benefit;
- the contribution to renewable energy targets;
- supporting delivery of infrastructure, including energy; and
- protecting natural heritage, including landscape and the wider environment.

SPP also states that the planning system should support the development of a diverse range of electricity generation from renewable energy technologies, including the expansion of renewable energy generation capacity.

In respect of protected species, SPP advises that the presence (or potential presence) of a legally protected species is an important consideration in decisions on planning applications. If there is evidence to suggest that a protected species is present on a site or may be affected by a proposed Development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the Development and any impacts must be fully considered prior to the determination of an application.

### **Local Development Plan**

The Highland Council considered the Proposed Development against the following:

- Highland Wide Local Development Plan 2012;
- Inner Moray Firth Local Development Plan (IMFLDP) (2015);
- The Highland Council Supplementary Guidance;
- Onshore Wind Energy Supplementary Guidance, Nov 2016 (OWESG);
- Other Supplementary Guidance including:
  - Developer Contributions (November 2018);
  - Flood Risk & Drainage Impact Assessment (Jan 2013);
  - Highland Historic Environment Strategy (Jan 2013);
  - Highland's Statutorily Protected Species (March 2013);

- Highland Renewable Energy Strategy & Planning Guidelines (May 2006);
- Managing Waste in New Developments (March 2013);
- Physical Constraints (March 2013);
- Special Landscape Area Citations (June 2011);
- Standards for Archaeological Work (March 2012); and
- Trees, Woodlands and Development (Jan 2013).

Policy 61 of the Highland-wide Local Development Plan states that new Developments should be designed to reflect the landscape characteristics and special qualities identified in the Landscape Character Assessment of the area in which they are proposed. This would include consideration of the appropriate scale, form, pattern and construction materials, as well as the potential cumulative effect of Developments where this may be an issue.

Policy 67 of the Highland-wide Local Development Plan states that “*renewable energy development should be well related to the source of the primary renewable resource needed for operation, the contribution of the proposed development in meeting renewable energy targets and positive/negative effects on the local and national economy as well as all other relevant policies of the Development Plan and other relevant guidance*”. Policy 67 also states that proposed developments will be supported if they “*are located, sited and designed such as they will not be significantly detrimental overall, individually or cumulatively with other developments*”.

It is noted by the Scottish Ministers that within the context of the Highland Wide Local Development Plan, the Highland Council’s stated position is that a proposed development “*will accord*” with the provisions of the Highland Wide Local Development Plan if they are “*satisfied*” that it isn’t “*significantly detrimental overall*”.

It is also noted by the Scottish Ministers that in its response to the Additional Information consultation, the Highland Council stated that “*Subject to the application of conditions recommended in the response sent to the Energy Consents Unit in Feb 2022 and as modified by Members of the South Planning Applications Committee*” the Proposed Development “*accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations*”.

## **Emerging Policy**

Scotland 2045: Our Fourth National Planning Framework Draft (“Draft NPF4”) was laid in Parliament on 10 November 2021. The Draft NPF4 sets out the spatial strategy with a shared vision that is to guide future development in a way which reflects the overarching spatial principles: sustainable places, liveable places, productive places and distinctive places. Relevant policies in Draft NPF4 strengthen the support afforded to renewable energy development proposals which are not sited in National Scenic Areas or National Parks, setting out that renewable energy proposals should be supported in principle unless the impacts identified are unacceptable.

Onshore Wind Policy Statement Refresh 2021: Consultative Draft was published in October 2021. This sets out that additional onshore wind will be vital to Scotland's future energy mix and in meeting net zero targets.

The Scottish Ministers have considered both Draft NPF4 and Onshore Wind Policy Statement Refresh 2021: Consultative Draft. Taking account that both are at the consultative draft stage the Scottish Ministers have afforded them limited weight.

### **Main Determining Issues**

Having considered the Application, the EIA report, the Additional Information, responses from consultees, the representations and Scottish Government policies, the Scottish Ministers consider that the main determining issues are:

- the landscape and visual impacts and their cumulative effects including the effects of aviation lighting;
- the impact on designated sites and protected landscapes; and
- the extent to which the Proposed Development accords with and is supported by Scottish Government policy.

### **Assessment of the Determining Issues**

#### **Landscape and Visual Impacts including cumulative effects and aviation lighting**

##### Landscape and Visual Impacts including cumulative effects

In consideration of the Proposed Development, the Scottish Ministers have taken into account the Landscape and Visual Impact Assessment ("LVIA") presented within the ***EIA Report - Volume 1: Chapter 8: Landscape and Visual*** and the ***Additional Information Report (March 2022): Chapter 8 – Landscape and Visual***. Comments made by consultees and in public representations were also taken into consideration.

The landscape in which the Proposed Development is located is categorised as a Rocky Moorland Plateau Landscape Character Type. This is described as "*open, gently rolling and undulating moorland plateaux with distinct edges, containing small hills formed by rocky outcrops and low areas of varying scale*".

Outwith the Site of the Proposed Development there are several distinctive hill summits, including Meall Fuar-mhonaidh which slopes steeply down to the Great Glen. To the west, this plateau transitions to a rugged, exposed landscape of large mountains and small lochs, while to the north there is the wooded Glen Urquhart and the farmed broad Strathglass valley. Glen Moriston is located to the south.

With regards to the Rocky Moorland Plateau Landscape Character Type in which the Proposed Development will be located (ie Separation of Glen Urquhart and Glen Moriston) it is stated in the Highland Council ***Onshore Wind Energy Supplementary Guidance (November 2016)*** that "*Large turbines*" should:

- be set back from Key Routes (see **Note** below);
- preserve mitigation established by current schemes;
- maintain spacing and scale of existing development pattern;
- minimise visual confusion from higher ground to the west and north with Meall Fuar-mhonaidh.

(**Note:** Key Routes are defined in *Onshore Wind Energy Supplementary Guidance (November 2016)* as “An important route that captures the essence of an area's particular qualities”.)

The Highland Council’s ***Onshore Wind Energy Supplementary Guidance (November 2016)*** also contains the Landscape Sensitivity Appraisals which identifies Key Views, Key Routes and Gateways as well as Landscape Character Area sensitivities and guidance and it sets out ten distinct landscape and visual related criteria against which the Highland Council will assess the Proposed Development.

In ***EIA Report - Volume 1: Chapter 8: Landscape and Visual*** the Company concluded that, following their analysis of the Proposed Development’s landscape and visual effects against these ten criteria, “*there would be no significant effect on any of the Key Views, Key Routes or Gateways*” and that “*the landscape and visual effects of the Proposed Development, although locally significant for some visual receptors would not lead to the threshold for any of the ten THC criteria being exceeded*”.

The Landscape and Visual Impact Assessment (“LVIA”) which was included in the EIA report, assessed nine individual Landscape Character Types (“LCTs”) with regards to effects and impacts on landscapes. It is stated in ***EIA Report - Volume 1: Chapter 8: Landscape and Visual*** that the “*landscape assessment did not identify any significant landscape effects upon landscape character types*”.

With regards to cumulative landscape effects, the ***EIA Report - Volume 1: Chapter 8: Landscape and Visual*** concludes “*All effects to landscape character, designated and protected landscapes resulting from the Proposed Development would not be significant. This is largely due to the proximity of the Proposed Development adjacent to the Operational Development and context of other existing wind developments in the landscape which provides a precedent in most areas for the types of effects which would be experienced*”.

With regards to cumulative visual effects, the ***EIA Report - Volume 1: Chapter 8: Landscape and Visual*** concludes “*The majority of visual effects anticipated to result from the Proposed Development would not be significant, including on receptors at viewpoints, in settlements and properties and on routes. This is generally due to the natural screening provided by the surrounding landform and the proximity of the Proposed Development to the Operational Development which would be seen together in most views. The presence of the Operational Development and other existing wind developments often reduces the sensitivity of the part of the view affected, and also reduces the perceptibility of changes that would result from the Proposed Development*”.

It is noted by the Scottish Ministers, that in their response to the Application consultation, NatureScot concluded that despite impacts on views especially from Meall Fuar-mhonaigh and from the B862 south of Foyers “*We agree with the findings of the LVIA that this proposal would incur no significant effects on landscape character and on valued landscapes*” and that, in their response to the Additional Information consultation, they stated “*The removal of 3 turbines slightly improves the design of the wind farm when seen from most viewpoints. This is due to a more balanced composition of the turbine layout and the removal of outlying turbines when seen from some viewpoints*”.

The Scottish Ministers note that, in their response to the Application consultation, NatureScot stated that they were in agreement with the Company’s conclusion that apart from one viewpoint, there would be no significant cumulative landscape effects caused by the Proposed Development. It is also noted by the Scottish Ministers that in their response to the Additional Information consultation, NatureScot stated that the removal of three turbines “*slightly improves the design of the wind farm when seen from most viewpoints*” and that their advice regarding landscape and visual effects remains unchanged from that stated in their response to the Application consultation.

With regards to Meall Fuar-mhonaigh, the impacts on which were raised by NatureScot and other consultees, the Highland Council advised in their response to the Application consultation that “*mitigation was secured for the existing operational scheme, in the form of removal of turbines, to try and limit the ‘spill of the turbines over the natural buffer of Carn Tarsuinn’.* The current scheme does undermine this mitigation”. In their response to the Additional Information consultation the Highland Council advised “*There was a concern that the originally submitted 18-turbine scheme undermined the previously secured mitigation. The proposed turbines would appear more prominent than the operational turbines seen behind due to their closer proximity to the view and increased size and would detract from longer views west to distant mountains. It was anticipated that the removal of the three turbines would assist in drawing back the turbines from this viewpoint*”. The Highland Council also advised in their response that the removal of the three turbines made the Proposed Development “*appear further away from receptors at this viewpoint, thereby potentially increasing the perceived distance to wind development. It would also very slightly reduce the perceived difference in scale between the proposed turbines and the operational development*” and “*The removal of tracks to T13 and T18 and to T14, along with turning head amendments near T17 and T16 would also result in perceptible improvements from this viewpoint. Tracks would be less visible and would contribute to the perception of the wind turbines being more distant in the view*”. It is noted by the Scottish Ministers that, with regards to Meall Fuar-mhonaigh, the Highland Council concluded that as a result of the removal of the three turbines “*the composition*” of the Proposed Development “*would be improved, and although it is acknowledged that this will not change the overall effect in EIA terms at this viewpoint, which is still considered to be moderate (significant), it does make the effects more acceptable to the Council*”.

The Scottish Ministers note that in the response to the Application consultation the Highland Council stated “*On balance, and subject to the removal of turbines 13, 14 and 18, it is considered that the landscape and visual impact of the scheme can be seen as acceptable*”. It is also noted by the Scottish Ministers that in the response to the Additional consultation the Highland Council stated that, overall, the impact of the

removal of the three turbines would be “*reduced from VPs, by improving the overall composition through horizontal containment, removing the most prominent/perceptible turbines and reduced stacking or density of turbines*”.

The Scottish Ministers also note that in their response to the Application consultation and again in their response to the Additional Information consultation, the Highland Council agrees with NatureScot’s assessment of the Proposed Development’s effects on landscape character.

Having considered the EIA report, the Additional Information, the consultation responses and the representations, the Scottish Ministers are satisfied that whilst there are landscape and visual impacts, these are tolerable when weighed against the benefits of the Proposed Development.

### **Impact on designated sites and protected landscapes**

Concerns regarding the impact the Proposed Development would have on designated sites and protected landscapes were raised in consultation responses from community councils and in representations received by the Energy Consents Unit.

With regards to impacts on European sites as defined in the Habitats Regulations please see **Conservation of Habitats and Species Regulations** above and Annex 4 of this letter. Additionally, it is noted by the Scottish Ministers that in their response to the Application consultation, NatureScot concluded that the Proposed Development “*will not adversely affect the integrity*” of the Loch Ruthven, North Inverness Lochs and Loch Knockie and Nearby Lochs Special Protection Areas.

The site of the Proposed Development is not covered by any statutory, international, regional or local landscape-related designations. Glen Affric National Scenic Area (“NSA”) is located approximately 11.6km from the Proposed Development. The closest Wild Land Area (“WLA”) is *WLA 25: Central Highlands* which is approximately 10.6km from the site. Whilst WLAs are not designated landscapes, they are afforded protection through Scottish Planning Policy. In terms of local landscape designations, the Loch Ness and Duntelchaig Special Landscape Area (“SLA”) is approximately 1.9km from the Proposed Development.

Levishie Wood Site of Special Scientific Interest (“SSSI”), designated as a SSSI for its upland birch woodland, is approximately 1.4km from the Proposed Development. It is noted by the Scottish Ministers that NatureScot, Scottish Forestry and the Highland Council’s Forestry Team did not raise any concerns in relation to impacts on Levishie Wood SSSI.

With regards to impacts on other designated sites and protected landscapes the Company concluded in ***EIA Report - Volume 1: Chapter 8: Landscape and Visual*** “*The assessment of potential landscape effects has considered Landscape Character Types (LCTs) identified by NatureScot and designated and protected landscapes, including, in particular, National Scenic Areas (NSAs), Wild Land Areas (WLAs) and Special Landscape Areas (SLAs). There would be no significant landscape effects to any of these areas as a result of the Proposed Development*”.

It is noted by the Scottish Ministers that following assessment, NatureScot stated in their response to the Application consultation “*We agree with the findings of the LVIA that this proposal would incur no significant effects on landscape character and on valued landscapes*” and “*We agree with the LVIA findings that effects on WLAs in the study area would not be significant*”.

It is also noted by the Scottish Ministers that in reference to Glen Affric NSA, NatureScot stated “*We agree with the LVIA findings that effects on this NSA would not be significant*”. It is also noted by the Scottish Ministers that the Highland Council did not raise any concerns regarding impacts on the Glen Affric NSA or in fact, any other designated site or protected landscape.

Having considered the EIA report, the Additional Information, the consultation responses and the representations, the Scottish Ministers are satisfied that the Proposed Development will not adversely impact on any designated site or protected landscape and that it will not adversely affect the conservation objectives of any SAC or SPA.

### **Extent to which the Proposed Development accords with and is supported by Scottish Government policy**

Scotland’s renewable energy and climate change targets, energy policies and planning policies are all material considerations when weighing up the Proposed Development. NPF3, SPP, the Energy Strategy and the Onshore Wind Policy Statement make it clear that renewable energy deployment remains a priority of the Scottish Government. This is a matter which should be afforded significant weight in favour of the Proposed Development.

The Scottish Ministers are satisfied that the matters pertaining to SPP have been assessed in the Application, EIA report, Additional Information and considered in responses from the Planning Authority, SEPA, NatureScot and other relevant bodies. As previously set out, SPP contains guidance in respect of the granting of development consent for wind farm development. SPP is to be read and applied as a whole. It sets out overarching Principal Policies to be applied to all development and Subject Policies which set out guidance in respect of development management.

An overarching principle of SPP is that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits over the longer term. The aim is to achieve the right development in the right place. It is not to allow development at any cost. This means that decisions and policies should be guided by certain principles including, among others, giving due weight to net economic benefit; supporting the delivery of infrastructure; supporting climate change mitigation and protecting natural heritage. The aims of these policies require to be considered and balanced when reaching a decision on applications for wind energy development.

SPP advises that proposals for energy infrastructure developments should always take account of spatial frameworks for wind farms where these are relevant. SPP identifies a number of considerations to be taken into account when determining energy infrastructure developments (set out at SPP paragraph 169) including but not

limited to, landscape and visual, cumulative impact, net economic impact, and contribution to the renewable energy generation targets. The Scottish Ministers in making their determination on the Application have balanced these considerations, decided what weight is to be given to each, and reached a view, set out below, as to where the balance of benefit lies.

SES and OWPS set out targets for the increase in the supply of renewable energy. The OWPS in particular reaffirms the vital role for onshore wind in meeting Scotland's energy targets. The statement sets out the Scottish Government's position for the ongoing need for more onshore wind development in locations across Scotland where it can be accommodated.

The Scottish Ministers have considered the landscape and visual effects that the Proposed Development will have and are satisfied that will not create any unacceptable adverse effects. The Scottish Ministers are also satisfied that it will not have any significant effects on protected species, National Scenic Areas or National Parks.

The transition to a low carbon economy is an opportunity for Scotland to take advantage of our natural resources to grow low carbon industries and create jobs.

In the ***Bhlaraidh Extension Additional Information Report*** the Company sets out revised socio economic information based on a 15 turbine Development. The Company estimates that there would be a capital cost of £79.6 million with £11.8 million being added to the Highland economy and £30.5 million to the wider Scottish economy. The Company estimate that annually, during the operation phase of the Proposed Development, £0.6 million would be added to the Highland economy and £1 million to the wider Scottish economy. 10 jobs would be created in Highland and 17 in Scotland.

Whilst the overall net economic benefits are estimations of the effects of the Proposed Development, the Scottish Ministers are satisfied the Proposed Development has the potential for positive net economic benefits for the local communities of the Highlands and for Scotland.

The Scottish Ministers consider that that the Proposed Development will make a valuable contribution towards meeting greenhouse gas emission and renewable electricity targets, as well as the diversification of energy supplies.

The carbon payback time is the measurement indicator to assess the influence of the Proposed Development on climate change. The shorter the payback period, the greater the benefit the Proposed Development would have in displacing emissions associated with electricity generated by burning fossil fuels. The estimated carbon payback period for the Proposed Development is 2.4 years when compared to the fossil fuel mix. Had the Proposed Development remained an 18 turbine Development this would have been 2.5 years.

The Scottish Ministers consider that the effects, including cumulative effects, of the Proposed Development will result in some environmental impacts but these are considered acceptable in the context of the benefits that the Proposed Development

will bring in terms of net economic benefit, contributing to renewable energy and climate change targets, while protecting the natural environment. On balance, it is considered that the Proposed Development is sustainable development.

The Scottish Ministers are satisfied that the Proposed Development will provide a contribution to renewable energy targets and carbon savings, and that it is entirely consistent with the Scottish Government's policy on the promotion of renewable energy and its target date for net-zero emissions of all greenhouse gases by 2045.

The Scottish Ministers are satisfied that the Proposed Development will provide carbon savings and that these savings will be of an order that weighs in its favour and will contribute to the Scottish Government's strategic priorities.

Taking everything into account, the Scottish Ministers are content that the Proposed Development is supported by Scottish Government Policies.

### **Reasoned Conclusions and Determination**

#### **Environment**

The Scottish Ministers are satisfied that the Application, the EIA report and the Additional Information have been produced in accordance with EIA Regulations.

The Scottish Ministers have fully considered the Application, the EIA report, the Additional Information, the consultation responses, the representations and all other material information and are satisfied that the environmental impacts of the Proposed Development have been sufficiently assessed and taken into consideration in the decision making process. Taking into account the above information and assessment, and subject to conditions, the Scottish Ministers consider the environmental effects of the Proposed Development are acceptable.

The Scottish Ministers are satisfied having regard to current knowledge and methods of assessment, that this reasoned conclusion addresses the likely significant effects of the Proposed Development on the environment. The Scottish Ministers are satisfied that this reasoned conclusion is up to date.

### **The Scottish Ministers' Determination**

Subject to the conditions set out in **Annex 2 - Part 1**, the Scottish Ministers **grant consent** under section 36 of the Electricity Act 1989 for the construction and operation of the Bhlaraidh Wind Farm Extension, as described in **Annex 1**, in the Highland Council area.

Subject to the conditions set out in **Annex 2 - Part 2**, the Scottish Ministers direct that **planning permission be deemed to be granted** under section 57(2) of the Town and Country Planning (Scotland) Act 1997 in respect of the Development described in the Application and at **Annex 1**.

## **Section 36 consent and expiry of Planning Permission**

The consent hereby granted will last for a period of 50 years from the earlier of:

- i. The date when electricity is first exported to the electricity grid network from all of the wind turbines hereby permitted; or
- ii. The date falling 18 months after electricity is generated from the first of the wind turbines hereby permitted.

Section 58(1) of the Town and Country Planning (Scotland) Act 1997 provides that planning permission lapses if development has not begun within a period of 3 years. Section 58(2) of that Act enables the Scottish Ministers to direct that a longer period is allowed before planning permission lapses.

The Scottish Ministers consider that because of the complexities of constructing a generating station of this scale, and the timescales associated with grid connection, a period of 5 years from the date of this direction, is typically appropriate. As a consequence of the potential delays the Covid 19 pandemic may have on predicted construction timescales the Scottish Ministers consider it is reasonable to add an additional year to typical timescales.

The Scottish Ministers therefore direct that section 58(1) of the Town and Country Planning (Scotland) Act 1997 is not to apply with regard to that planning permission and that planning permission is to lapse on the expiry of a period of 6 years from the date of this direction if there has been no development within that period.

In accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, the Company must publicise notice of this determination and how a copy of this decision letter may be inspected on the application website, in the Edinburgh Gazette and a newspaper circulating in the locality in which the land to which the application relates is situated.

Copies of this letter have been sent to the public bodies consulted on the Application including the Planning Authority, NatureScot, SEPA and HES. This letter has also been published on the Scottish Government Energy Consents website at <http://www.energyconsents.scot>

The Scottish Ministers' decision is final, subject to the right of any aggrieved person to apply to the Court of Session for judicial review. Judicial review is the mechanism by which the Court of Session supervises the exercise of administrative functions, including how the Scottish Ministers exercise their statutory function to determine applications for consent. The rules relating to the judicial review process can be found on the website of the Scottish Courts:

<https://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/rules-of-court/court-of-session/chap58.pdf?sfvrsn=12>

Your local Citizens' Advice Bureau or your solicitor will be able to advise you about the applicable procedures.

Yours sincerely

REDACTED

**Ruth Findlay**  
**A member of the staff of the Scottish Ministers**

### **ANNEXES**

- ANNEX 1 - Description of the Development;
- ANNEX 2 - Conditions;
  - Part 1 conditions attached to Section 36 consent;
  - Part 2 conditions attached to deemed planning permission;
- ANNEX 3 - Site layout plan;
- ANNEX 4 - Habitat Regulations Appraisals/Appropriate Assessments;
  - Annex 4(1) - Loch Knockie & Nearby Lochs SPA;
  - Annex 4(2) - Loch Ruthven SPA;
  - Annex 4(3) - North Inverness Lochs SPA;
  - Annex 4(4) - River Moriston SAC.

**Description of the Development**

The Development comprises an electricity generating station known as Bhlaraidh Wind Farm Extension with a generating capacity greater than 50MW, located on adjoining land to the east of the operational Bhlaraidh Wind Farm on the Glenmoriston Estate, near Invermoriston in the administrative area of the Highland Council. The period of consent granted relating to construction and operation is 50 years. The principal components of the Development comprise:

- 15 turbines each with a maximum blade tip height of up to 180m;
- crane hardstandings for each turbine;
- approximately 7.9 km of new access tracks;
- approximately 13.5km of existing access tracks;
- an onsite substation;
- eight turning heads;
- up to 8 borrow pit search areas;
- two temporary construction compounds;
- a single permanent LIDAR station;
- a concrete batching plant;
- 6 new access track water crossings; and
- two routes of cross country cabling approximately 700m and 1200m in length.

## **Section 36 consent conditions**

### **1. Notification of Date of First Commissioning & Date of Final Commissioning**

Written confirmation of the Date of First Commissioning and the Date of Final Commissioning shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month after those dates.

**Reason:** *To allow the Planning Authority and the Scottish Ministers to calculate the date of expiry of the consent.*

### **2. Commencement of development**

- (1) The Commencement of development shall be no later than 6 years from the date of this consent, or such other period as the Scottish Ministers may direct in writing.
- (2) Written confirmation of the intended date of Commencement of development shall be provided to the Scottish Ministers and the Planning Authority as soon as is practicable after deciding on such a date.

**Reason:** *To ensure that the consent is implemented within a reasonable period. And to allow the Planning Authority and the Scottish Ministers to monitor compliance with obligations attached to this consent and deemed planning permission as appropriate.*

### **3. Non-Assignment**

This consent may not be assigned without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may authorise the assignation of the consent (with or without conditions) or refuse assignation as they may, in their own discretion, see fit. The consent shall not be capable of being assigned, alienated or transferred otherwise than in accordance with the foregoing procedure. The Company shall notify the Planning Authority in writing of the name of the assignee, principal named contact and contact details within 14 days of written confirmation from the Scottish Ministers of an assignation having been granted.

**Reason:** *To safeguard the obligations of the consent if transferred to another company.*

### **4. Serious Incident Reporting**

In the event of any serious breach of health and safety or environmental obligations relating to the development during the period of this consent, the Company will provide written notification of the nature and timing of the incident to the Scottish Ministers, including confirmation of remedial measures taken and/or to be taken to rectify the breach, within 24 hours of the incident occurring.

**Reason:** *To keep the Scottish Ministers informed of any such incidents which may be in the public interest.*

**Conditions to be attached to deemed planning permission**

**5. Implementation in accordance with approved plans**

- (1) Except as otherwise required by the terms of the section 36 consent and deemed planning permission, the Development shall be undertaken in accordance with the application:
- (a) including the approved drawings listed at Annex 3 (Figure 2.2 Site Layout Plan, Bhlaraidh Extension Additional Information Report, March 2022);
  - (b) the Environmental Impact Assessment Report (“the EIAR”) as supplemented or amended by the Additional Information Report dated March 2022; and
  - (c) other documentation lodged in support of the application.

**Reason:** *to ensure that the Development is carried out in accordance with the approved details.*

**6. Site Enabling Works**

The Site Enabling Works shall not commence until a detailed scheme of all Site Enabling Works (including off-site and on-site works) has been submitted to and approved in writing by the Planning Authority. This shall include a timetable for all enabling works and shall be submitted a minimum of 1 month in advance of the proposed date of commencement of any Site Enabling Works.

**Reason:** *To ensure the final details of the Site Enabling Works have regard for rural setting of the Development Site and the potential impact of such works on the infrastructure of the area.*

**7. Design and Operation of Wind Turbines**

No development, with the exception of the Site Enabling Works, shall commence until full details of the proposed wind turbines hereby permitted, have been submitted to and approved in writing by the Planning Authority. These details shall include:

- (a) the make, model, design, direction of rotation (all wind turbine blades shall rotate in the same direction), power rating, sound power level and dimensions of the turbines to be installed, and
- (b) the external colour and/or finish of the wind turbines to be used (including towers, nacelles and blades) which shall be non-reflective, pale grey semi- matte.
- (c) No text, sign or logo shall be displayed on any external surface of the wind turbines, save those required by law under other legislation.
- (d) Thereafter, the wind turbines shall be installed and operate in accordance with these approved details and, with reference to part (b) above, the wind turbines shall be maintained in the approved colour and

- monitored to ensure no significant rust, staining or dis-colouration occurs until such time as the wind farm is decommissioned.
- (e) All wind turbine blades shall rotate in the same direction.

**Reason:** *To ensure the Planning Authority is aware of the wind turbine details and to protect the visual amenity of the area.*

## **8. Signage**

No anemometer, power performance mast, switching station, transformer building, or enclosure, ancillary building or above ground fixed plant shall display any name, logo, sign or advertisement (other than health and safety signage) unless and until otherwise approved in writing by the Planning Authority.

**Reason:** *in the interests of the visual amenity of the area.*

## **9. Design of Sub-station, Ancillary Buildings and other Ancillary Development**

- (1) No development, with the exception of the Site Enabling Works, shall commence, unless and until final details of the external appearance, dimensions, and surface materials of the substation building, associated compounds, construction compound boundary fencing, external lighting and parking areas have been submitted to, and approved in writing by, the Planning Authority.
- (2) The substation building, associated compounds, fencing, external lighting and parking areas shall be constructed in accordance with the details approved under paragraph (1).

**Reason:** *To safeguard the visual amenity of the area.*

## **10. Micro-siting**

- (1) All wind turbines, buildings, masts, areas of hardstanding and tracks shall be constructed in the location shown on plan reference Site Layout Plan (Figure 2.2 Additional Information Report). Wind turbines, buildings, masts, areas of hardstanding and tracks may be adjusted by micro-siting within the site. However, unless otherwise approved in advance in writing by the Planning Authority in consultation with NatureScot, SEPA and the ECoW, micro-siting is subject to the following restrictions:
- (a) the wind turbines and other infrastructure hereby permitted may be micro-sited within 50 metres with the exception of the sub-station which may be micro-sited within 100m;
  - (b) No wind turbine foundation shall be positioned higher, when measured in metres Above Ordinance Datum (AOD), than 10m above the position shown on plan reference Site Layout Plan (Figure 2.2 Additional Information Report);

- (c) No micro-siting shall take place within areas of peat deeper than currently shown for the relevant infrastructure on Figure 10.2 of the Environmental Impact Assessment Report; and
  - (d) All micro-siting permissible under this condition must be approved in advance in writing by the Environmental Clerk of Works ("ECoW") (see condition 12).
- (2) A plan showing the final position of all wind turbines buildings, masts, areas of hardstanding, tracks and associated infrastructure forming part of the Development shall be submitted to the Planning Authority within one month of the completion of the development works. The plan shall also specify areas where micro-siting has taken place and, for each instance, be accompanied by copies of the ECoW or Planning Authority's approval, as applicable.

**Reason:** *To enable necessary minor adjustments to the position of the wind turbines and other infrastructure to allow for site-specific conditions while maintaining control of environmental impacts and taking account of local ground conditions.*

## **11. Borrow Pit – Blasting**

Blasting shall only take place on the site between the hours of 07.00 to 19.00 on Monday to Friday inclusive and 07.00 to 13.00 on Saturdays, with no blasting taking place on a Sunday or on a Public Holiday.

**Reason:** *To ensure that blasting activity is carried out within defined timescales to control impact on amenity.*

## **12. Ecological Clerk of Works ("ECoW")**

- (1) No development or Site Enabling Works shall take place unless and until the terms of appointment of an independent Ecological Clerk of Works ("ECoW") by the Company have been submitted to and approved in writing by the Planning Authority (in consultation with NatureScot and SEPA). The terms of appointment shall:
- (a) impose a duty to monitor compliance with the ecological, ornithological and hydrological commitments provided in the Environmental Impact Assessment Report ("the EIAR"), the Additional Information Report and other information lodged in support of the Application, the Construction Environmental Management Plan (condition 13), the Peat Management Plan (condition 17), the Habitat Management Plan (condition 18), the Species Specific Surveys and Protection Plans (condition 13(2)(m)) and other plans approved in terms of the conditions of this planning permission ("the ECoW Works");
  - (b) advise on micro-siting proposals issued pursuant to Condition 10;
  - (c) require the ECoW to report to the nominated Construction Project Manager any incidences of non-compliance with the ECoW Works at the earliest practical opportunity and stop the job where any breach has been identified until the time that it has been reviewed by the Construction Project Manager; and

- (d) require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW Works at the earliest practical opportunity.
- (2) The ECoW shall be appointed on the approved terms during the establishment of the Habitat Management Plan and throughout the period from Commencement of development to completion of post construction reinstatement works.
- (3) No later than eighteen months prior to decommissioning of the Development or the expiry of the section 36 consent (whichever is the earlier), details of the terms of appointment of an ECoW by the Company throughout the decommissioning, restoration and aftercare phases of the Development shall be submitted for the written approval of the Planning Authority.

**Reason:** *To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development during the decommissioning, restoration and aftercare phases.*

### **13. Construction Environmental Management Plan (“CEMP”)**

- (1) No development or Site Enabling Works shall commence until a works specific Construction Environmental Management Plan ("CEMP"), related to the phase or phases of works or development to be undertaken has been submitted to and approved in writing by the Planning Authority. The CEMP shall outline site specific details of all on-site construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling.
- (2) The CEMP for each phase of works or development shall include (but is not limited to);
  - (a) site waste management plan (dealing with all aspects of waste produced during the construction period other than peat), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment;
  - (b) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
  - (c) a dust management plan;
  - (d) a drainage management plan, demonstrating how all groundwater, surface water and waste water arising during and after development is to be managed and prevented from polluting any watercourses, water abstractions and private water supplies if relevant, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water. Any temporary drainage during construction should be designed to accommodate a 1:200 year storm event;
  - (e) details of sewage disposal and treatment;
  - (f) details of temporary site illumination;
  - (g) the method of construction of the crane pads;
  - (h) the method of construction of the wind turbine foundations;

- (i) the method of working cable trenches;
- (j) the method of construction and erection of the wind turbines and meteorological masts;
- (k) details of post-construction restoration/reinstatement of the working areas not required during the operation of the Development, including construction access tracks, borrow pits, construction compound, storage areas, laydown areas, access tracks, passing places and other construction areas, all of which are to be provided no later than 6 months prior to the date of first commissioning, unless otherwise agreed in writing by the Planning Authority. Wherever possible, reinstatement is to be achieved by the careful use of turfs removed prior to construction works. Details should include all seed mixes to be used for the reinstatement of vegetation;
- (l) confirmation that the M11 mire habitat identified in Target Note 2 on Figure 5.6 shall be physically marked on site so that it can be suitably protected from disturbance during construction.
- (m) Species specific surveys and Protection Plans carried out at an appropriate time of year for the species concerned, by a suitably qualified person. The surveys shall cover black grouse, slavic grebe, golden eagle, greenshank, golden plover, black and red divers, otter, water vole and bats. The survey results and any mitigation measures required for these species on site shall be set out in a species mitigation and management plan, which shall inform construction activities.
- (n) Details of for the submission of a quarterly report summarising work under taken at the site and compliance with the conditions imposed under the Deemed Planning Consent during the period of construction and post construction reinstatement.

**Reason:** *To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental Impact Assessment Report which accompanied the application, or as otherwise agreed, are fully implemented.*

#### **14. Watercourse Design**

All new watercourse crossings shall be designed following the recommendations in the Watercourse Crossing Schedule (Appendix 9.1 -Additional Information Report: Updated Watercourse Crossing Schedule) and if single span bridges are required these shall be designed to pass the 1 in 200-year flood plus an allowance for climate change. All existing watercourse crossings which require to be replaced shall be designed following recognised best practice guidance.

**Reason:** *In the interests of protecting the water environment.*

#### **15. Access Standard**

Visibility splays shall be provided and maintained on each side of the access to the A887 trunk road, to the satisfaction of the Planning Authority, after consultation with Transport Scotland as the Trunk Roads Authority. These splays are the triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the setback dimension) and the nearside trunk road carriageway measured

215 metres (the y dimension) in both directions from the intersection of the access with the trunk road, unless otherwise agreed in writing with the Planning Authority. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the setback dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.

**Reason:** *To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road and to ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the A887 trunk road is not diminished.*

## **16. Construction Traffic Management Plan ("CTMP")**

No development or Site Enabling Works shall commence until a works specific Construction Traffic Management Plan ("CTMP"), related to the phase or phases of works or development to be undertaken has been submitted to and approved in writing by the Planning Authority in consultation with the Trunk and Local Roads Authorities and Police. The final CTMP shall be submitted no later than six months prior to commencement. The approved CTMP shall be carried out as approved in accordance with the timetable specified within the approved CTMP. The CTMP shall include proposals for:

- (a) A risk assessment for transportation during daylight and hours of darkness;
- (b) Proposed traffic management and mitigation measures within any settlements along the access routes, as required. Measure such as temporary speed limits, suitable temporary signage, road markings and the use of speed activated signs should be considered;
- (c) Consultation and agreement with the Trunk Roads Authority and the Planning Authority to determine appropriate scope and timescales for delivery of any required road safety audit of the A887 and any subsequent mitigation which may be required in the vicinity of the Torgoyle Bridge;
- (d) Consultation and agreement with the Trunk Roads Authority and the Planning Authority to determine appropriate scope and timescales for the delivery of any required road safety audit of the A82 and subsequent mitigation which may be required in the vicinity of any settlements which construction traffic and deliveries of abnormal loads may pass through. This shall be limited to Drumnadrochit, Fort Augustus and Invermoriston;
- (e) A contingency plan prepared by the abnormal load haulier. The plan shall be adopted only after consultation and agreement with the Police and the respective Roads Authorities. It shall include measures to deal with any haulage incidents that may result in public roads becoming temporarily closed or restricted;
- (f) A procedure for the regular monitoring of road conditions and the implementation of any remedial works required as may be reasonably attributable to the project's construction plant and vehicle movements during the construction period;
- (g) A detailed protocol for the delivery of abnormal loads/vehicles, prepared in consultation and agreement with interested parties. The protocol shall

identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of abnormal load movements in the local media. Temporary signage, in the form of demountable signs or similar approved, shall be established, when required, to alert road users and local residents of expected abnormal load movements. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved. All such movements on roads shall take place out with peak times on the network, including school travel times and shall avoid local community events;

- (h) During the delivery period of the wind turbine construction materials any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland before delivery commences;
- (i) Wheel washing facilities shall be provided at an appropriate point within the site adjacent to the access from the A887 trunk road so as to prevent vehicles depositing debris on the trunk road;
- (j) Wheel washing facilities shall be provided at an appropriate point within the site adjacent to the access from the A887 trunk road so as to prevent vehicles depositing debris on the trunk road; and
- (k) During the operational stage of the Development, advance written notification and approval of the Planning Authority in consultation with the respective Roads Authorities, and community councils is required for any significant HGV or Abnormal Load movement required during this period.

**Reason:** *To ensure that the construction of the windfarm is carried out appropriately and does not have an adverse effect on the environment, and to protect road safety and the amenity of all users of the public road and rights of way.*

## **17. Peat Management Plan**

No development or Site Enabling Works shall commence until a works specific finalised Peat Management Plan ("PMP"), related to the phase or phases of works or development to be undertaken, has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot and SEPA. The PMP shall include:

- (a) the mitigation measures described within the Environmental Impact Assessment Report, the Additional Information and other information submitted in support of the Application;
- (b) The implementation of the design changes and further actions outlined in Table 5.5.4 (Recommendations for Design of Proposed Development) of Appendix 5.5 – EIAR: Volume 4: Peatland Condition Assessment) to limit impact on high quality habitat;
- (c) a demonstration of how micrositings and other measures have been used to further minimise peat and good quality peat habitat disturbance.

The development shall not be carried out other than in accordance with the approved PMP.

**Reason:** *To ensure that a plan is in place to deal with the storage and reuse of peat within the application site, including peat stability and slide risk.*

## **18. Habitat Management Plan (“HMP”)**

- (1) No development, with the exception of the Site Enabling Works, shall commence unless and until a finalised Habitat Management Plan ("HMP"), has been submitted to, and approved in writing by the Planning Authority in consultation with NatureScot, and SEPA. The information shall include:
  - (a) the mitigation measures contained in the EIAR and be based upon the Outline Plan provided (Appendix 5.7 – EIAR: Volume 4: Outline Habitat Management Plan);
  - (b) The proposed habitat management of the site during the period of construction, operation, decommissioning, restoration and aftercare, and shall provide for the maintenance monitoring and reporting of habitat on site;
  - (c) a scheme of works for peatland restoration works to deliver peatlands commensurate with the quality of the habitat that will be lost directly and indirectly and take advantage of the opportunity for peatland restoration across the site of the Bhalraidh Wind Farm and Bhalraidh Wind Farm Extension;
  - (d) a scheme for planting of montane vegetation (such as juniper and willow). The scheme shall include details of all areas to be planted, the planting mix proposed and details of management of these areas for the lifetime of the Development;
  - (e) a suitable area to leave deer stalking grallochs or carcasses outwith the windfarm development area is identified;
  - (f) a scheme for the delivery of biodiversity enhancement which shall include an emphasis on biodiversity enhancements for black grouse and golden eagle;
  - (g) a scheme for the protection and enhancement of the Golden Eagle population has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt the scheme shall deliver aims and objectives which complement those of the Regional Eagle Conservation Management Plan. Thereafter the approved scheme shall be implemented through the construction, operation and decommissioning of the Development.
  - (h) the provision for regular monitoring and review to be undertaken to consider whether amendments are needed to better meet the habitat plan objectives. In particular, the approved habitat management plan shall be updated to reflect ground condition surveys undertaken following construction and prior to the date of Final Commissioning and submitted for the written approval of the Planning Authority in consultation with NatureScot and SEPA.
- (2) Unless and until otherwise agreed in advance in writing with the Planning Authority, the approved HMP (as amended from time to time) shall be implemented in full.

**Reason:** *In the interests of protecting ecological features and to ensure that the development secures positive effects for biodiversity.*

## **19. Borrow Pits – Scheme of Works**

(1) No development or Site Enabling Works shall commence unless and until a scheme for the working and restoration of [the/each] borrow pit has been prepared in advance of each phase of works and submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA). The scheme shall include:

- (a) a detailed working method statement based on site survey information and ground investigations;
- (b) details of the handling of any overburden (including peat, soil and rock); drainage measures, including measures to prevent surrounding areas of peatland, water dependant sensitive habitats and Ground Water dependent Terrestrial Ecosystems (GWDTE) from drying out;
- (c) a programme of implementation of the works described in the scheme; and
- (d) details of the reinstatement, restoration and aftercare of the borrow pit(s) to be undertaken at the end of the construction period, including topographic surveys of pre-construction profiles and details of topographical surveys to be undertaken of the restored borrow pit profiles.

(2) The approved scheme shall be implemented in full.

**Reason:** *To ensure that excavation of materials from the borrow pit(s) is carried out in a manner that minimises the impact on road safety, amenity and the environment, and to secure the restoration of borrow pit(s) at the end of the construction period.*

## **20. Deer Management Plan**

No development, with the exception with the exception of the Site Enabling Works, shall commence until a Deer Management Plan ("DMP") has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot. The DMP will set out proposed long term management of deer using the Development site and shall provide for the monitoring of deer numbers on site from the period from Commencement of development until the date of completion of restoration. The approved DMP shall thereafter be implemented in full.

**Reason:** *To protect ecological interests.*

## **21. Redundant Turbines**

In the event that any wind turbine installed and commissioned fails to produce electricity on a commercial basis to the public network for a continuous period of 12 months, then unless otherwise agreed in writing with the Planning Authority, after consultation with the Scottish Ministers and NatureScot, such wind turbine will be deemed to have ceased to be required. If deemed to have ceased to be required, the

wind turbine and its ancillary equipment will be dismantled and removed from the site within the following 12-month period, and the ground reinstated to the specification and satisfaction of the Planning Authority after consultation with the Scottish Ministers and NatureScot.

**Reason:** *To ensure that any redundant wind turbine is removed from Site, in the interests of safety, amenity and environmental protection.*

## **22. Aviation Safety – Lighting**

No development, with the exception of Site Enabling Works, shall commence until a scheme for aviation lighting for the Development consisting of Ministry of Defence ("MoD") accredited infra-red aviation lighting has been submitted to and approved in writing by the Planning Authority in consultation with the MoD. The turbines shall be erected with the approved lighting installed and the lighting shall remain operational throughout the duration of the permission.

**Reason:** *in the interests of aviation safety.*

## **23. Aviation Safety**

At least 14 days prior to the commencement of the erection of the turbines the Company has provided the Planning Authority, Ministry of Defence, Defence Geographic Centre and National Air Traffic Services ("NATS") with the following information and has provided evidence to the Planning Authority of having done so.

- (a) the date of the commencement of the erection of wind turbine generators;
- (b) the maximum height of any construction equipment to be used in the erection of the wind turbines;
- (c) the date any wind turbine generators are brought into use;
- (d) the latitude and longitude and maximum heights of each wind turbine generator, and any anemometer mast(s).

**Reason:** *In the interests of aviation safety.*

## **24. Site Decommissioning, Restoration and Aftercare**

- (1) The Development will be decommissioned and will cease to generate electricity by no later than the date fifty years from the date of Final Commissioning. The total period for restoration of the Site in accordance with this condition shall not exceed three years from the date of Final Generation without prior written approval of the Scottish Ministers in consultation with the Planning Authority.
- (2) No development or Site Enabling Works shall commence unless and until a decommissioning, restoration and aftercare strategy has been submitted to, and approved in writing by, the Planning Authority (in consultation with NatureScot and SEPA). The strategy shall outline measures for the decommissioning of the Development and restoration and aftercare of the site and shall include proposals for the removal of the Development, the treatment

of ground surfaces, the management and timing of the works and environmental management provisions.

- (3) Not later than 3 years before decommissioning of the Development or the expiration of this consent (whichever is the earlier), a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted for the written approval of the Planning Authority in consultation with NatureScot and SEPA.
- (4) The detailed decommissioning, restoration and aftercare plan shall provide updated and detailed proposals, in accordance with relevant guidance at that time, for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include (but is not limited to):
  - (a) site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
  - (b) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
  - (c) a dust management plan;
  - (d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
  - (e) details of anticipated impacts on the road networks and vehicle types and movements;
  - (f) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
  - (g) details of measures for soil storage and management;
  - (h) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
  - (i) details of measures for sewage disposal and treatment;
  - (j) temporary site illumination;
  - (k) the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;
  - (l) details of watercourse crossings; and
  - (m) a species protection plan based on surveys for protected species (including birds) carried out no longer than eighteen months prior to submission of the plan.
- (5) The Development shall be decommissioned, site restored and aftercare thereafter undertaken in accordance with the approved plan, unless otherwise agreed in writing in advance with the Planning Authority in consultation with NatureScot and SEPA.

**Reason:** *To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.*

## **25. Financial Guarantee**

- (1) No development or Site Enabling Works shall commence unless and until a bond or other form of financial guarantee in terms reasonably acceptable to the Planning Authority which secures the cost of performance of all decommissioning, restoration and aftercare obligations referred to in condition 24 is submitted to the Planning Authority.
- (2) The value of the financial guarantee shall be agreed between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations referred to in condition 24.
- (3) The financial guarantee shall be maintained in favour of the Planning Authority until the date of completion of all decommissioning, restoration and aftercare obligations referred to in condition 24.
- (4) The value of the financial guarantee shall be reviewed by agreement between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with decommissioning, restoration and aftercare obligations and best practice prevailing at the time of each review.

**Reason:** *to ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this deemed planning permission in the event of default by the Company.*

## **26. Outdoor Access Plan**

- (1) No development or Site Enabling Works shall commence until a finalised and detailed Outdoor Access Plan has been submitted to and approved in writing by the Planning Authority. The purpose of the plan shall be to maintain public access routes to site tracks and paths during construction, and to enhance public outdoor access in the long-term. The Outdoor Access Plan shall include details showing:
  - (a) all existing access points, paths, core paths, tracks, rights of way and other routes whether on land or inland water), and any areas currently outwith or excluded from statutory access rights under Part One of the Land Reform (Scotland) Act 2003, within and adjacent to the application site;
  - (b) any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or effect on curtilage related to buildings

or structures;

- (c) all proposed paths tracks and other alternative routes for use by walkers, riders, cyclists, canoeists, all-abilities users, etc. and any other relevant outdoor access enhancement (including construction specifications, signage, information leaflets, proposals for on-going maintenance etc; any diversion of paths, tracks or other routes (whether on land or inland water), temporary or permanent, proposed as part of the Development (including details of mitigation measures, diversion works, duration and signage);
- (d) the location design and specification for a pass gate at locked gate at NH395172 this and other gate locations which, in this case, should be installed before construction starts.

- (2) The approved Outdoor Access Plan, and any associated works, shall be implemented in full prior to the Commencement of development or as otherwise may be agreed within the approved plan.

**Reason:** *In the interests of securing public access rights.*

## **27. Community Liaison Group**

No development or Site Enabling Works shall commence unless and until a Community Liaison Plan has been approved in writing by the Planning Authority after consultation with the relevant local community councils. This plan shall include the arrangements for establishing a Community Liaison Group to act as a vehicle for the community to be kept informed of project progress by the Company. The terms and condition of these arrangement must include that the Community Liaison Group will have timely dialogue in advance on the provision of all transport-related mitigation measures and keep under review the timing of the delivery of turbine components. The terms and conditions shall detail the continuation of the Community Liaison Group until the wind farm has been completed and is fully operational. The approved Community Liaison Plan shall be implemented in full.

**Reason:** *To assist with the provision of mitigation measures to minimise potential hazards to road users including pedestrians, travelling on the road networks.*

## **28. Site Inspection Strategy**

- (1) Prior to the Date of Final Commissioning, the Company shall submit an outline Site Inspection Strategy (Outline SIS) for the written approval of the Planning Authority. The Outline SIS shall set out a strategy for the provision of site inspections and accompanying Site Inspection Reports (SIR) to be carried out at 25 years of operation from the Date of Final Commissioning and every five years thereafter.
- (2) No later than 24 years after the Date of Final Commissioning, the Company shall submit a final detailed Site Inspection Strategy (Final SIS), based on the principles of the approved Outline SIS for the written approval of the Planning Authority. The Final SIS shall set out updated details for the provision of site inspections and accompanying Site Inspection Reports (SIR), in accordance

with relevant guidance at that time, to be carried out at 25 years of operation from the Date of Final Commissioning and every five years thereafter.

- (3) At least one month in advance of submitting each SIR to the Planning Authority, the scope of the SIR shall be agreed with the Planning Authority.
- (4) The SIR shall include, but not be limited to:
  - (a) Details to demonstrate that the infrastructure components of the Development are still operating in accordance with condition 7 and condition 30; and
  - (b) An engineering report which details the condition of tracks, turbine foundations and the wind turbines and sets out the requirements and the programme for the implementation for any remedial measures which may be required.
- (5) The SIS and each SIR shall be implemented in full unless otherwise agreed in advance in writing by the Planning Authority.

**Reason:** *To ensure the Development is being monitored at regular intervals throughout after the first 25 years of operation.*

## **29. Water Quality and Fish Monitoring Plan**

- (1) There shall be no Commencement of development until an integrated Water Quality and Fish Monitoring Plan ("WQFMP") has been submitted to and approved in writing by the Planning Authority in consultation with Ness District Salmon Fishery Board.
- (2) The WQFMP must take account of Marine Scotland Science's guidance and shall include:
  - (a) provision that water quality sampling should be carried out for 12 months (or as agreed with the Planning Authority) prior to Commencement of development, during construction and for 12 months after construction is complete;
  - (b) key hydrochemical parameters (including turbidity and flow data), the identification of sampling locations (including control sites), frequency of sampling, sampling methodology, data analysis and reporting;
  - (c) fully quantitative electrofishing surveys at sites potentially impacted and at control sites for 12 months (or as agreed with the Planning Authority) prior to the Commencement of development, during construction and for 12 months after construction is completed to detect any changes in fish populations; and
  - (d) appropriate site specific mitigation measures including those detailed in the EIA Report.

- (3) Thereafter, the WQFMP shall be implemented in full within the timescales set out in the WQFMP.

**Reason:** *To ensure no deterioration of water quality and to protect fish populations within and downstream of the development area.*

### 30. Noise

The rating level of noise imissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed more than 2dB above the maximum predicted levels within Additional Information Report Chapter 11, Tables 11.3 & 11.4 at any windspeed. The noise limits are presented in the table below:.

Receptor	Noise Limit (dB LA90)
Bhlaraidh	29
Levishie	32
Achnaconeran	31

**Table 11.3 - Compliance Table – Comparison of predicted noise levels from the 15 turbine Proposed Development against the SSNL at each receptor – Daytime**

Receptor		Wind Speed (ms <sup>-1</sup> ) as standardised to 10m height											
		1	2	3	4	5	6	7	8	9	10	11	12
NAL1 – Bhlaraidh	Site Specific Noise Limit	37.0	37.0	37.4	38.1	39.2	39.9	41.3	43.5	46.3	48.6	51.2	51.2
	Predicted Wind Turbine Noise LA90	-	13.4	14.7	18.4	22.7	25.7	26.3	27.0	27.0	27.0	27.0	27.0
	Exceedance Level LA90	-	-	-	-	-	-	-	-	-	-	-	-
NAL2 – Levishie	Site Specific Noise Limit	41.0	41.0	41.1	41.7	42.8	44.2	45.8	47.6	49.4	51.2	52.8	52.8
	Predicted Wind Turbine Noise LA90	-	16.8	18.1	21.8	26.1	29.1	29.7	30.4	30.4	30.4	30.4	30.4
	Exceedance Level LA90	-	-	-	-	-	-	-	-	-	-	-	-
NAL3 - Achnaconeran	Site Specific Noise Limit	35.0	35.0	35.0	35.0	35.0	33.8	32.9	32.7	32.7	32.7	32.7	32.7
	Predicted Wind Turbine Noise LA90	-	15.6	16.9	20.6	24.9	27.9	28.5	29.2	29.2	29.2	29.2	29.2
	Exceedance Level LA90	-	-	-	-	-	-5.9	-4.4	-3.5	-3.5	-3.5	-3.5	-3.5

**Table 11.4 - Compliance Table – Comparison of predicted noise levels from the 15 turbine Proposed Development against the SSNL at each receptor – Night time**

Receptor		Wind Speed (ms <sup>-1</sup> ) as standardised to 10m height											
		1	2	3	4	5	6	7	8	9	10	11	12
NAL1 – Bhilaraidh	Site Specific Noise Limit	43.0	43.0	43.0	43.0	43.0	43.0	42.3	42.3	42.3	43.8	43.8	43.8
	Predicted Wind Turbine Noise L <sub>A90</sub>	-	13.4	14.7	18.4	22.7	25.7	26.3	27.0	27.0	27.0	27.0	27.0
	Exceedance Level L <sub>A90</sub>	-	-	-	-	-	-	-	-	-	-	-	-
NAL2 – Levishie	Site Specific Noise Limit	43.0	43.0	43.0	43.0	43.0	43.0	42.6	44.2	46.5	48.8	48.8	48.8
	Predicted Wind Turbine Noise L <sub>A90</sub>	-	16.8	18.1	21.8	26.1	29.1	29.7	30.4	30.4	30.4	30.4	30.4
	Exceedance Level L <sub>A90</sub>	-	-	-	-	-	-	-	-	-	-	-	-
NAL3 - Achnacraneran	Site Specific Noise Limit	35.0	35.0	35.0	35.0	35.0	33.8	32.9	32.7	32.7	32.7	32.7	32.7
	Predicted Wind Turbine Noise L <sub>A90</sub>	-	15.6	16.9	20.6	24.9	27.9	28.5	29.2	29.2	29.2	29.2	29.2
	Exceedance Level L <sub>A90</sub>	-	-	-	-	-	-5.9	-4.4	-3.5	-3.5	-3.5	-3.5	-3.5

A) Prior to the First Commissioning Date, the Company shall submit to the Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Planning Authority.

B) Within 21 days from receipt of a written request of the Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the Company shall, at its expense, employ an independent consultant approved by the Planning Authority to assess the level of noise imissions from the Development at the complainant's property (or a suitable alternative location agreed in writing with the Planning Authority) in accordance with the procedures described in the attached Guidance Notes.

The written request from the Planning Authority shall set out at least the date, time and location that the complaint relates to. Within 14 days of receipt of the written request of the Planning Authority made under this paragraph (B), the Company shall provide the information relevant to the complaint to the Planning Authority in the format set out in Guidance Note 1(e).

C) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the Company shall submit to the Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken.

Where the proposed measurement location is close to the wind turbines, rather than at the complainants property (to improve the signal to noise ratio), then the Company's submission shall include a method to calculate the noise level from the wind turbines at the complainants property based on the noise levels measured at the agreed location (the alternative method). Details of the alternative method together with any associated guidance notes deemed necessary, shall be submitted to and agreed in writing by the Planning Authority prior to the commencement of any measurements.

Measurements to assess compliance with the noise limits of this condition shall be undertaken at the measurement location approved in writing by the Planning Authority

D) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the Company shall submit to the Planning Authority for written approval a proposed assessment protocol setting out the following:

- i. the range of meteorological and operational conditions (the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise imissions.
- ii. a reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component.

The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the information provided in the written request of the Planning Authority under paragraph (B), and such others as the independent consultant considers necessary to fully assess the noise at the complainant's property. The assessment of the rating level of noise imissions shall be undertaken in accordance with the assessment protocol approved in writing by the Planning Authority and the attached Guidance Notes.

E) The Company shall provide to the Planning Authority the independent consultant's assessment of the rating level of noise imissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Planning Authority made under paragraph (B) of this condition unless the time limit is extended in writing by the Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance

Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Planning Authority with the independent consultant's assessment of the rating level of noise emissions.

F) Where a further assessment of the rating level of noise imissions from the Development is required pursuant to Guidance Note 4(c) of the attached Guidance Notes, the Company shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (E) above unless the time limit for the submission of the further assessment has been extended in writing by the Planning Authority.

G) The Company shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d) of the attached Guidance Notes. The data from each wind turbine shall be retained for a period of not less than 24 months. The Company shall provide this information in the format set out in Guidance Note 1(e) of the attached Guidance Notes to the Planning Authority on its request within 14 days of receipt in writing of such a request.

H) In the event that the rating level, after adjustment for background noise contribution and any tonal penalty, is found to exceed the conditioned limits, the Company shall submit to the Planning Authority for written approval, a scheme of mitigation to be implemented within fourteen days of submission of the report identifying the exceedance (as required under paragraph (F) above). The scheme shall define any reduced noise running modes to be used in the mitigation together with sound power levels in these modes and the manner in which the running modes will be defined in the SCADA data.

I) The scheme referred to in paragraph H above should include a framework of immediate and long-term mitigation measures. The immediate mitigation measures must ensure the rating level will comply with the conditioned limits and must be implemented within 14 days of the submission of the report identifying the exceedance. These measures must remain in place, except during field trials to optimise mitigation, until a long-term mitigation strategy is ready to be implemented.

## 1. Guidance Notes for Noise Condition

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise imissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Note 3 with any necessary correction for residual background noise levels in accordance with Note 4. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind

Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

2. Note 1

- a) Values of the LA90,10-minute noise statistic should be measured at the complainant's property (or an approved alternative representative location as detailed in Note 1(b)), using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated before and after each set of measurements, using a calibrator meeting BS EN 60945:2003 "Electroacoustics - sound calibrators" Class 1 with PTB Type Approval (or the equivalent UK adopted standard in force at the time of the measurements) and the results shall be recorded. Measurements shall be undertaken in such a manner to enable a tonal penalty to be calculated and applied in accordance with Guidance Note 3.
- b) The microphone shall be mounted at 1.2 - 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone shall be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the Company shall submit for the written approval of the Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.
- c) The LA90,10-minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind speed and wind direction data and with operational data logged in accordance with Guidance Note 1(d) and rain data logged in accordance with Note 1(f).
- d) To enable compliance with the conditions to be evaluated, the Company shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine, arithmetic mean power generated by each turbine and any data necessary to define the running mode as set out in the Curtailment Plan, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with

the Planning Authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. Each 10 minute arithmetic average mean wind speed data as measured at turbine hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data which is correlated with the noise measurements determined as valid in accordance with Note 2(b), such correlation to be undertaken in the manner described in Note 2(c). All 10 minute periods shall commence on the hour and in 10 minute increments thereafter synchronised with Greenwich Mean Time and adjusted to British Summer Time where necessary.

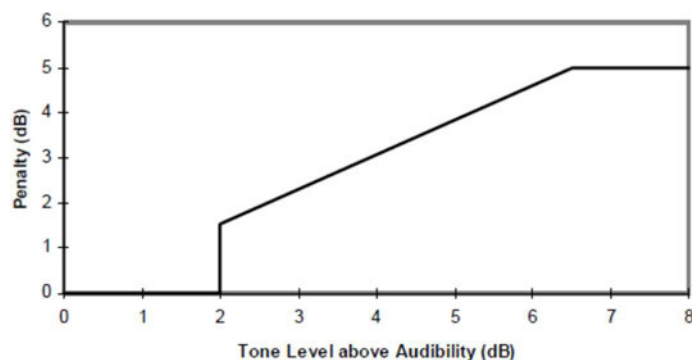
- e) Data provided to the Planning Authority shall be provided in comma separated values in electronic format with the exception of data collected to assess tonal noise (if required) which shall be provided in a format to be agreed in writing with the Planning Authority.
- f) A data logging rain gauge shall be installed in the course of the independent consultant undertaking an assessment of the level of noise imissions. The gauge shall record over successive 10 minute periods synchronised with the periods of data recorded in accordance with Note 1(d). The Company shall submit details of the proposed location of the data logging rain gauge to the Planning Authority prior to the commencement of measurements.

### 3. Note 2

- a) The noise measurements should be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b).
- b) Valid data points are those measured during the conditions set out in the assessment protocol approved by the Planning Authority but excluding any periods of rainfall measured in accordance with Note 1(f).
- c) Values of the LA90,10-minute noise measurements and corresponding values of the 10-minute standardised ten metre height wind speed for those data points considered valid in accordance with Note 2(b) shall be plotted on an XY chart with noise level on the Y-axis and wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) shall be fitted to the data points to define the wind farm noise level at each integer speed.

4. Note 3

- a) Where, in accordance with the approved assessment protocol noise imissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty shall be calculated and applied using the following rating procedure.
- b) For each 10-minute interval for which LA90,10-minute data have been determined as valid in accordance with Note 2, a tonal assessment shall be performed on noise imissions during 2 minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure shall be reported.
- c) For each of the 2-minute samples the tone level above audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R-97.
- d) The tone level above audibility shall be plotted against wind speed for each of the 2-minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.
- e) A least squares "best fit" linear regression shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line fitted to values within  $\pm 0.5\text{m/s}$  of each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Note 2.
- f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below derived from the average tone level above audibility for each integer wind speed.



5. Note 4

- a) If a tonal penalty is to be applied in accordance with Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Note 3 at each integer wind speed within the range set out in the approved assessment protocol.

If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Note 2.

- b) If the rating level lies at or below the noise limits approved by the Planning Authority then no further action is necessary. In the event that the rating level is above the noise limits, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise imission only.
- c) The Company shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:
- i. Repeating the steps in Note 2, with the turbines switched off, and determining the background noise ( $L_3$ ) at each integer wind speed within the range set out in the approved noise assessment protocol.
- ii. The wind farm noise ( $L_1$ ) at this speed shall then be calculated as follows where  $L_2$  is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log \left[ 10^{L_2/10} - 10^{L_3/10} \right]$$

- iii. The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Note 3) to the derived noise  $L_1$  at that integer wind speed.
- iv. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty lies at or below the noise limits approved by the Planning Authority, then no further action is necessary. If the rating level at any integer wind speed exceeds the noise limits approved by the Planning Authority, then the Development fails to comply with the conditions.

**Reason:** To protect amenity and to ensure that noise limits are not exceeded and to enable prompt investigation of complaints

## **Definitions Relevant to Conditions**

**"The Application"** means the application submitted by the Company on 20 August 2021;

**"Application Environmental Information"** means the combination of EIA report submitted by the Company in 20 August 2021 and the Additional Information Report submitted in 25 March 2022.

**"Commencement of development"** means the date on which development shall be taken as begun in accordance with section 27 of the Town and Country Planning (Scotland) Act 1997;

**"date of Final Generation"** means the date that the Development ceases to generate electricity to the grid network;

**"the Company"** means SSE Generation Limited, company registration number 02310571 and registered address No.1 Forbury Place, 43 Forbury Road, Reading, United Kingdom, RG1 3JH or such other person for the time being entitled to the benefit of the consent under section 36 of the Electricity Act 1989.

**"development"** means the implementation of the consent and deemed planning permission excluding Site Enabling Works by the carrying out of a material operation within the meaning of section 27 of the Town and Country Planning (Scotland) Act 1997.

**"the Development"** means the Development described in Annex 1;

**"dwelling"** means a building within Use Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 which lawfully exists or had planning permission at the date of this consent and deemed planning permission.

**"Final Commissioning"** means the earlier of (a) the date on which electricity is exported to the grid on a commercial basis from the last of the wind turbines forming part of the Development erected in accordance with this consent; or (b) the date falling 18 months from the date of First Commissioning unless a longer period is agreed in writing in advance with the Planning Authority.

**"First Commissioning"** means the date on which electricity is first exported to the grid network on a commercial basis from any of the wind turbines forming part of the Development.

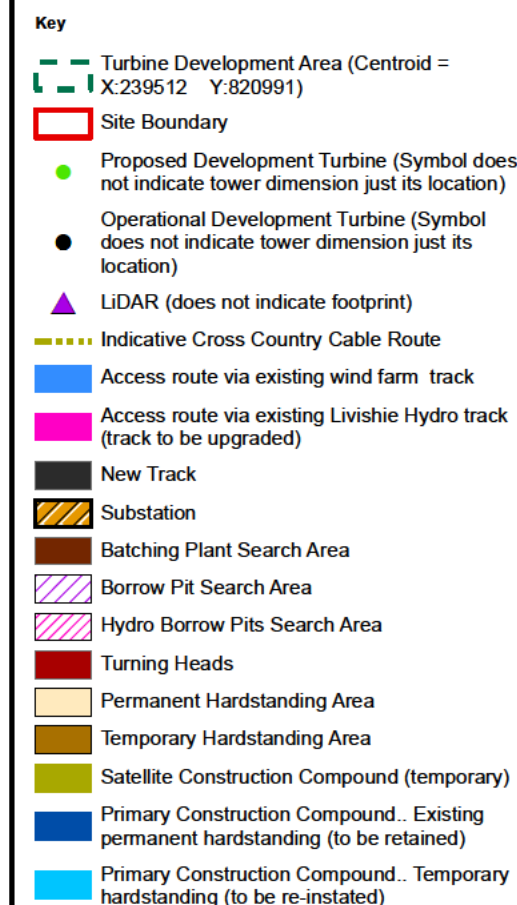
**"HES"** means Historic Environment Scotland

**"the planning authority"** means the Highland Council.

**"SEPA"** means the Scottish Environment Protection Agency.

**“Site Enabling Works”** means construction of c.1.4km of new access track from the existing wind farm to the substation platform location, including construction of new permanent watercourse crossing WX01; construction of the substation platform; construction of any associated surface water drainage provisions for the access tracks and substation platform, temporary and permanent water supply and the installation of any required cables, cable ducting and culverts associated for all the aforementioned, and, any minor track improvement works required along the existing site infrastructure to facilitate these works, the opening and working of borrow pits BP01 and BP06-H and the formation of temporary construction compounds prior to the commencement of construction of the main site.

# ANNEX 3



This is the Site layout plan referred to in the consent by the Scottish Ministers in terms of Section 36 of the Electricity Act 1989 for the construction and operation of Bhlaraidd Wind Farm Extension, a powered electricity generating station in the Glenmoriston Estate near Invermoriston within the planning authority area of the Highland Council.

Date: 29 August 2022

Signed: REDACTED

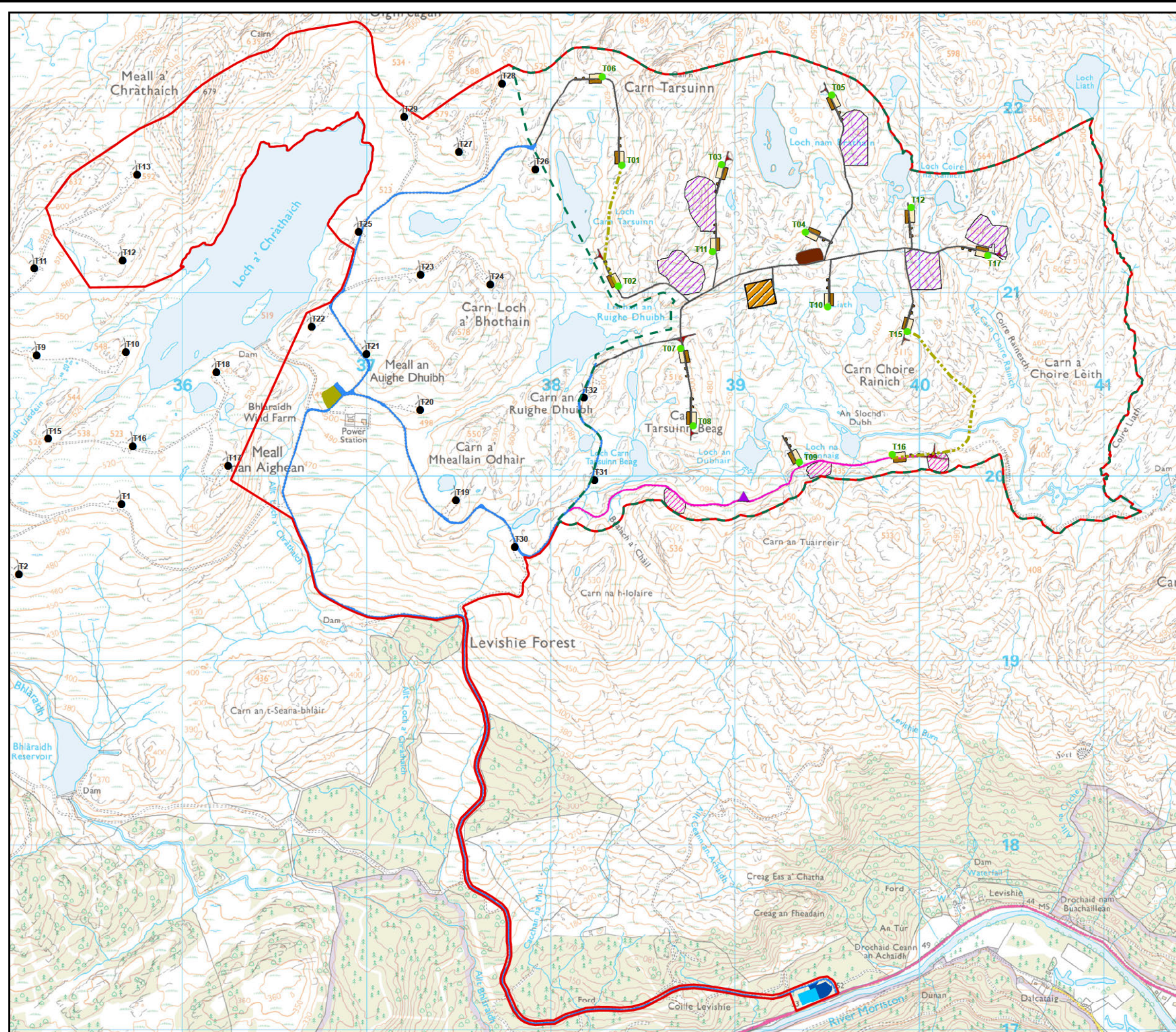
Ruth Findlay, a member of the staff of the Scottish Ministers.

Scale 1:20,000 @ A3  
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**Figure 2.2**  
**Site Layout Plan**

**Bhlaraidd Wind Farm Extension**  
**Additional Information Report**



**Habitat Regulations Appraisals/Appropriate Assessments**

- **Annex 4(1): Loch Knockie & Nearby Lochs Special Protection Area;**
- **Annex 4(2): Loch Ruthven Special Protection Area;**
- **Annex 4(3): North Inverness Lochs Special Protection Area;**
- **Annex 4(4): River Moriston Special Area of Conservation.**

**APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 FOR THE CONSTRUCTION AND OPERATION OF THE BHLARAI DH WIND FARM EXTENSION ON THE GLENMORISTON ESTATE, NEAR INVERMORISTON WITHIN THE HIGHLAND COUNCIL PLANNING AUTHORITY AREA**

**Conservation of Habitats and Species Regulations 2017**

Assessment of the implications of the Bhlaraiddh Wind Farm Extension (“the proposed Development”) for the Loch Knockie & Nearby Lochs Special Protection Area (“the SPA”).

11 August 2022

The following appraisal has been prepared by the Scottish Ministers as the Competent Authority for the above proposal.

	<b>Project and Site Description</b>	
1	Brief description of the project	<p>The proposed Development is a wind powered electricity generating station and is located on land owned by the Glenmoriston Estate, west of Loch Ness and the Great Glen on an area of high rocky plateau. The open, undulating moorland of the Site features several rocky outcrops, small hills, many lochs, lochans, watercourses and areas of bog. The nearest settlement is the village of Invermoriston which is approximately 5km to the south. Fort Augustus is approximately 16 km to the south and Inverness approximately 35km to the south west.</p> <p>The proposed Development will be located on adjoining land to the east of the operational Bhlaraiddh Wind Farm. It will have a total generating capacity in excess of 50 megawatts (“MW”). The period of consent applied for relating to construction and operation is 50 years. It will comprise of:</p> <ul style="list-style-type: none"><li>• 15 turbines each with a maximum blade tip height of up to 180m;</li><li>• crane hardstandings for each turbine;</li><li>• approximately 7.9 km of new access tracks;</li><li>• approximately 13.5km of existing access tracks;</li><li>• an onsite substation;</li><li>• eight turning heads;</li><li>• up to 8 borrow pit search areas;</li><li>• two temporary construction compounds;</li><li>• a single permanent LIDAR station;</li><li>• a concrete batching plant;</li><li>• 6 new access track water crossings; and</li><li>• two routes of cross country cabling approximately 700m and 1200m in length.</li></ul>

2	Brief description of the designated Natura site	<p>The SPA comprises a group of lochs at the south-east end of the Great Glen in Highland region. The lochs are surrounded by mire, heath, mixed woodland and agricultural land.</p> <p>There are two component SSSIs, Glendoe Lochans SSSI and Knockie Lochs SSSI.</p> <p>The qualifying interest for which the SPA is designated is <b>Slavonian grebe</b>.</p>
3	Conservation objectives for the <b>Loch Knockie &amp; Nearby Lochs Special Protection Area</b>	<p>To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained.</p> <p>To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> <li>• Population of the species as a viable component of the site;</li> <li>• Distribution of the species within site;</li> <li>• Distribution and extent of habitats supporting the species;</li> <li>• Structure, function and supporting processes of habitats supporting the species; and</li> <li>• No significant disturbance of the species.</li> </ul>
	<b>Screening</b>	
4	Is the proposal directly connected with, or necessary to, conservation management of the Natura site?	The proposal is <b>not</b> connected with or necessary for the conservation management of the SPA.
5	Is the operation likely to have a significant effect on the qualifying interest of the <b>Loch Knockie &amp; Nearby Lochs Special Protection Area</b> either alone or in combination with other plans or projects.	<p>Slavonian grebe is a migratory species throughout its range, and in Scotland pairs breed on a wide variety of lochs. In winter birds leave their breeding lochs and are found around UK coasts. Within the context of the proposed Development, risks to the Slavonian grebe population in the SPA exist during the breeding season only (May to mid-September) when birds may be present in the wider area.</p> <p>The proposed Development is approximately 6.7 kilometres from the SPA and the only likely impact it could have on the Slavonian Grebe population is collision mortality resulting from flights between breeding lochs across the swept area of the windfarm.</p>

		The potential for these flights leads to the conclusion that there is Likely Significant Effect from the proposed Development on the SPA.
	<b>Appropriate Assessment</b>	
6	Identify the relevant conservation objectives to consider for the <b>Loch Knockie &amp; Nearby Lochs Special Protection Area</b> .	All of the conservation objectives listed in section 3 are relevant with the exception of Distribution and extent of habitats supporting the species, Structure, function and supporting processes of habitats supporting the species and No significant disturbance of the species.
7	Can it be ascertained that the proposal/plan will not adversely affect the integrity of the <b>Loch Knockie &amp; Nearby Lochs Special Protection Area</b> .	<p>The following assessment is based on advice received from NatureScot in their consultation responses of 10 November 2021 and 13 May 2022 and in the NatureScot HRA Proforma of 28 July 2022.</p> <p>The only likely impact of the development on the Slavonian grebe population is collision mortality resulting from flights between breeding lochs across the windfarm.</p> <p>In the last decade only one loch, west of the proposed Development, has been used by Slavonian grebe and the likelihood of them crossing the swept area at collision risk height is very small and consequently, the potential impact on the SPA population is very low.</p> <p>The Scottish Ministers have concluded that there are no adverse effects on the integrity of the SPA, alone or in combination with other projects or plans.</p>
8	Consider whether mitigation measures or conditions can be adopted to avoid adverse effects on site integrity	There is no requirement for the adoption of any mitigation measures or conditions to avoid adverse effects on site integrity.
	<b>CONCLUSION</b>	
9	Can adverse effects on site integrity be avoided	Yes.

**APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 FOR THE CONSTRUCTION AND OPERATION OF THE BHLARAI DH WIND FARM EXTENSION ON THE GLENMORISTON ESTATE, NEAR INVERMORISTON WITHIN THE HIGHLAND COUNCIL PLANNING AUTHORITY AREA**

**Conservation of Habitats and Species Regulations 2017**

Assessment of the implications of the Bhlaraiddh Wind Farm Extension (“the proposed Development”) for the Loch Ruthven Special Protection Area (“the SPA”).

11 August 2022

The following appraisal has been prepared by the Scottish Ministers as the Competent Authority for the above proposal.

	<b>Project and Site Description</b>	
1	Brief description of the project	<p>The proposed Development is a wind powered electricity generating station and is located on land owned by the Glenmoriston Estate, west of Loch Ness and the Great Glen on an area of high rocky plateau. The open, undulating moorland of the Site features several rocky outcrops, small hills, many lochs, lochans, watercourses and areas of bog. The nearest settlement is the village of Invermoriston which is approximately 5km to the south. Fort Augustus is approximately 16 km to the south and Inverness approximately 35km to the south west.</p> <p>The proposed Development will be located on adjoining land to the east of the operational Bhlaraiddh Wind Farm. It will have a total generating capacity in excess of 50 megawatts (“MW”). The period of consent applied for relating to construction and operation is 50 years. It will comprise of:</p> <ul style="list-style-type: none"><li>• 15 turbines each with a maximum blade tip height of up to 180m;</li><li>• crane hardstandings for each turbine;</li><li>• approximately 7.9 km of new access tracks;</li><li>• approximately 13.5km of existing access tracks;</li><li>• an onsite substation;</li><li>• eight turning heads;</li><li>• up to 8 borrow pit search areas;</li><li>• two temporary construction compounds;</li><li>• a single permanent LIDAR station;</li><li>• a concrete batching plant;</li><li>• 6 new access track water crossings; and</li><li>• two routes of cross country cabling approximately 700m and 1200m in length.</li></ul>

2	Brief description of the designated Natura site	<p>Loch Ruthven SPA is a freshwater loch of moderate nutrient status located in the north-central Highlands, 20km south of Inverness. A marshy zone is found at the west end of the loch where there is a transition from open water, through swamp and fen, to sedge-rich acidic grassland. Part of the SPA is owned and managed by the RSPB as a nature reserve.</p> <p>There is one component SSSI, Loch Ruthven.</p> <p>The qualifying interest for which the SPA is designated is <b>Slavonian grebe</b>.</p>
3	Conservation objectives for the <b>Loch Ruthven Special Protection Area</b>	<p>To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained.</p> <p>To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> <li>• Population of the species as a viable component of the site;</li> <li>• Distribution of the species within site;</li> <li>• Distribution and extent of habitats supporting the species;</li> <li>• Structure, function and supporting processes of habitats supporting the species; and</li> <li>• No significant disturbance of the species.</li> </ul>
	<b>Screening</b>	
4	Is the proposal directly connected with, or necessary to, conservation management of the Natura site?	The proposed Development is <b>not</b> connected with or necessary for the conservation management of the SPA.
5	Is the operation likely to have a significant effect on the qualifying interest of the <b>Loch Ruthven Special Protection Area</b> either alone or in combination with other plans or projects.	<p>Slavonian grebe is a migratory species throughout its range, and in Scotland pairs breed on a wide variety of lochs. In winter birds leave their breeding lochs and are found around UK coasts. Within the context of the proposed Development, risks to the Slavonian grebe population in the SPA exist during the breeding season only (May to mid-September) when birds may be present in the wider area.</p> <p>The proposed Development is approximately 19.7 kilometres from the SPA and the only likely impact it could have on the Slavonian Grebe population is collision mortality resulting from flights between breeding lochs across the swept area of the windfarm.</p>

		The potential for these flights leads to the conclusion that there is Likely Significant Effect from the proposed Development on the SPA.
	<b>Appropriate Assessment</b>	
6	Identify the relevant conservation objectives to consider for the <b>Loch Ruthven Special Protection Area</b> .	All of the conservation objectives listed in section 3 are relevant with the exception of Distribution and extent of habitats supporting the species, Structure, function and supporting processes of habitats supporting the species and No significant disturbance of the species.
7	Can it be ascertained that the proposal/plan will not adversely affect the integrity of the <b>Loch Ruthven Special Protection Area</b> .	<p>The following assessment is based on advice received from NatureScot in their consultation responses of 10 November 2021 and 13 May 2022 and in the NatureScot HRA Proforma of 26 July 2022.</p> <p>The only likely impact of the development on the Slavonian grebe population is collision mortality resulting from flights between breeding lochs across the windfarm.</p> <p>In the last decade only one loch, west of the proposed Development, has been used by Slavonian grebe and the likelihood of them crossing the swept area at collision risk height is very small and consequently, the potential impact on the SPA population is very low.</p> <p>The Scottish Ministers have concluded the proposed Development will not adversely affect the integrity of the SPA, alone or in combination with other projects or plans.</p>
8	Consider whether mitigation measures or conditions can be adopted to avoid adverse effects on site integrity	There is no requirement for the adoption of any mitigation measures or conditions to avoid adverse effects on site integrity.
	<b>CONCLUSION</b>	
9	Can adverse effects on site integrity be avoided	Yes.

**APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 FOR THE CONSTRUCTION AND OPERATION OF THE BHLARAI DH WIND FARM EXTENSION ON THE GLENMORISTON ESTATE, NEAR INVERMORISTON WITHIN THE HIGHLAND COUNCIL PLANNING AUTHORITY AREA**

**Conservation of Habitats and Species Regulations 2017**

Assessment of the implications of the Bhlaraiddh Wind Farm Extension (“the proposed Development”) for the North Inverness Lochs Special Protection Area (“the SPA”).

11 August 2022

The following appraisal has been prepared by the Scottish Ministers as the Competent Authority for the above proposal.

	<b>Project and Site Description</b>	
1	Brief description of the project	<p>The proposed Development is a wind powered electricity generating station and is located on land owned by the Glenmoriston Estate, west of Loch Ness and the Great Glen on an area of high rocky plateau. The open, undulating moorland of the Site features several rocky outcrops, small hills, many lochs, lochans, watercourses and areas of bog. The nearest settlement is the village of Invermoriston which is approximately 5km to the south. Fort Augustus is approximately 16 km to the south and Inverness approximately 35km to the south west.</p> <p>The proposed Development will be located on adjoining land to the east of the operational Bhlaraiddh Wind Farm. It will have a total generating capacity in excess of 50 megawatts (“MW”). The period of consent applied for relating to construction and operation is 50 years. It will comprise of:</p> <ul style="list-style-type: none"><li>• 15 turbines each with a maximum blade tip height of up to 180m;</li><li>• crane hardstandings for each turbine;</li><li>• approximately 7.9 km of new access tracks;</li><li>• approximately 13.5km of existing access tracks;</li><li>• an onsite substation;</li><li>• eight turning heads;</li><li>• up to 8 borrow pit search areas;</li><li>• two temporary construction compounds;</li><li>• a single permanent LIDAR station;</li><li>• a concrete batching plant;</li><li>• 6 new access track water crossings; and</li><li>• two routes of cross country cabling approximately 700m and 1200m in length.</li></ul>

2	Brief description of the designated Natura site	<p>North Inverness Lochs SPA is located north-west of the Great Glen in Highland region. The SPA contains five lochans which support extensive sedge beds and are surrounded by mire, moorland and semi-natural broadleaved woodland dominated by birch.</p> <p>There are two component SSSIs, Balnagrantach SSSI and Dubh Lochs SSSI.</p> <p>The qualifying interest for which the SPA is designated is <b>Slavonian grebe</b>.</p>
3	Conservation objectives for the <b>North Inverness Lochs Special Protection Area</b> .	<p>To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained.</p> <p>To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> <li>• Population of the species as a viable component of the site;</li> <li>• Distribution of the species within site;</li> <li>• Distribution and extent of habitats supporting the species;</li> <li>• Structure, function and supporting processes of habitats supporting the species; and</li> <li>• No significant disturbance of the species.</li> </ul>
	<b>Screening</b>	
4	Is the proposal directly connected with, or necessary to, conservation management of the Natura site?	The proposal is <b>not</b> connected with or necessary for the conservation management of the SPA.
5	Is the operation likely to have a significant effect on the qualifying interest of the <b>North Inverness Lochs Special Protection Area</b> either alone or in combination with other plans or projects.	<p>Slavonian grebe is a migratory species throughout its range, and in Scotland pairs breed on a wide variety of lochs. In winter birds leave their breeding lochs and are found around UK coasts. Within the context of the proposed Development, risks to the Slavonian grebe population in the SPA exist during the breeding season only (May to mid-September) when birds may be present in the wider area.</p> <p>The proposed Development is approximately 7.7 kilometres from the SPA and the only likely impact it could have on the Slavonian Grebe population is collision mortality resulting from flights between breeding lochs across the swept area of the windfarm.</p>

		The potential for these flights leads to the conclusion that there is Likely Significant Effect from the proposed Development on the SPA.
	<b>Appropriate Assessment</b>	
6	Identify the relevant conservation objectives to consider for the <b>North Inverness Lochs Special Protection Area</b> .	All of the conservation objectives listed in section 3 are relevant with the exception of Distribution and extent of habitats supporting the species, Structure, function and supporting processes of habitats supporting the species and No significant disturbance of the species.
7	Can it be ascertained that the proposal/plan will not adversely affect the integrity of the <b>North Inverness Lochs Special Protection Area</b> .	<p>The following assessment is based on advice received from NatureScot in their consultation responses of 10 November 2021 and 13 May 2022 and in the NatureScot HRA Proforma of 26 July 2022.</p> <p>The only likely impact of the proposed Development on the Slavonian grebe population is collision mortality resulting from flights between breeding lochs across the windfarm.</p> <p>In the last decade only one loch, west of the proposed Development, has been used by Slavonian grebe and the likelihood of them crossing the swept area at collision risk height is very small and consequently, the potential impact on the SPA population is very low.</p> <p>The Scottish Ministers have concluded that the proposed Development will not adversely affect the integrity of the SPA, alone or in combination with other projects or plans.</p>
8	Consider whether mitigation measures or conditions can be adopted to avoid adverse effects on site integrity	There is no requirement for the adoption of any mitigation measures or conditions to avoid adverse effects on site integrity.
	<b>CONCLUSION</b>	
9	Can adverse effects on site integrity be avoided	Yes.

**APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 FOR THE CONSTRUCTION AND OPERATION OF THE BHLARAI DH WIND FARM EXTENSION ON THE GLENMORISTON ESTATE, NEAR INVERMORISTON WITHIN THE HIGHLAND COUNCIL PLANNING AUTHORITY AREA****Conservation of Habitats and Species Regulations 2017**

Assessment of the implications of the Bhlaraidh Wind Farm Extension (“the proposed Development”) for the River Moriston Special Area of Conservation (“the SAC”).

29 July 2022

The following appraisal has been prepared by the Scottish Ministers as the Competent Authority for the above proposal.

	<b>Project and Site Description</b>	
1	Brief description of the project	<p>The proposed Development is a wind powered electricity generating station and is located on land owned by the Glenmoriston Estate, west of Loch Ness and the Great Glen on an area of high rocky plateau. The open, undulating moorland of the Site features several rocky outcrops, small hills, many lochs, lochans, watercourses and areas of bog. The nearest settlement is the village of Invermoriston which is approximately 5km to the south. Fort Augustus is approximately 16 km to the south and Inverness approximately 35km to the south west.</p> <p>The proposed Development will be located on adjoining land to the east of the operational Bhlaraidh Wind Farm. It will have a total generating capacity in excess of 50 megawatts (“MW”). The period of consent applied for relating to construction and operation is 50 years. It will comprise of:</p> <ul style="list-style-type: none"><li>• 15 turbines each with a maximum blade tip height of up to 180m;</li><li>• crane hardstandings for each turbine;</li><li>• approximately 7.9 km of new access tracks;</li><li>• approximately 13.5km of existing access tracks;</li><li>• an onsite substation;</li><li>• eight turning heads;</li><li>• up to 8 borrow pit search areas;</li><li>• two temporary construction compounds;</li><li>• a single permanent LIDAR station;</li><li>• a concrete batching plant;</li><li>• 6 new access track water crossings; and</li><li>• two routes of cross country cabling approximately 700m and 1200m in length.</li></ul>

2	Brief description of the designated Natura site	<p>The qualifying interests for which the SAC is designated are <b>Atlantic Salmon and Freshwater Pearl Mussel</b>.</p> <p>The River Moriston flows into the northern side of Loch Ness and supports a functional Freshwater Pearl Mussel population.</p>
3	Conservation objectives for <b>River Moriston SAC</b>	<p>1. To ensure that the qualifying features of the River Moriston SAC are in favourable condition and make an appropriate contribution to achieving favourable conservation status.</p> <p>2. To ensure that the integrity of the River Moriston SAC by meeting the following objectives:</p> <p><u>Freshwater Pearl Mussel</u></p> <ul style="list-style-type: none"> <li>- restoring the population of Freshwater Pearl Mussel as a viable component of the site;</li> <li>- restoring the distribution of Freshwater Pearl Mussel throughout the site;</li> <li>- restoring the habitats supporting Freshwater Pearl Mussel within the site and availability of food; and</li> <li>- restoring the distribution and viability of freshwater pearl mussel host species and their supporting habitats.</li> </ul> <p><u>Atlantic Salmon</u></p> <ul style="list-style-type: none"> <li>- restoring the population of Atlantic Salmon as a viable component of the site;</li> <li>- restoring the distribution of Atlantic Salmon throughout the site; and</li> <li>- restoring the habitats supporting Atlantic Salmon within the site and availability of food.</li> </ul>
	<b>Screening</b>	
4	Is the proposal directly connected with, or necessary to, conservation management of the Natura site?	The proposed Development is <b>not</b> connected with or necessary for the conservation management of the River Moriston SAC.

5	Is the operation likely to have a significant effect on the qualifying interest of the <b>River Moriston SAC</b> either alone or in combination with other plans or projects.	<p>The proposed Development is within the catchment of the River Moriston. The temporary construction compound of the proposed Development is located 18.75m to the north of the SAC and connected to it through the Allt Bhlaraidh watercourse.</p> <p>Atlantic salmon and freshwater pearl mussel are sensitive to disturbance, siltation and changes in water quality. There is the potential for disturbance, pollution (eg from fuel spills) and the release of sediment into water courses, from construction works and water course crossings. This would occur mainly during construction, and to occur to a lesser extent during operation of the proposed Development.</p> <p>Sediment entering the watercourses will have temporary impacts on water quality, and long term impacts on atlantic salmon and freshwater pearl mussel habitat (smothering them). Other pollution (eg fuel spills) will have a varying longevity depending on the type and amount spilt, at best case temporarily affecting water quality, at worst case poisoning habitat long term.</p> <p>Noting that watercourses on the development site feed into the nearby SAC, and given the potential for construction related pollution, consequently, there will be a likely significant effect on the qualifying interests of the SAC.</p>
	<b>Appropriate Assessment</b>	
6	Identify the relevant conservation objectives to consider for the <b>River Moriston SAC</b>	All of the conservation objectives listed in section 3 are relevant.
7	Can it be ascertained that the proposal/plan will not adversely affect the integrity of the <b>River Moriston SAC</b>	<p>The following assessment is based on advice received from NatureScot in their consultation responses of 10 November 2021 and 13 May 2022 and in the NatureScot HRA Proforma of 17 May 2022.</p> <p>The Scottish Ministers have concluded that the application with implementation of the following mitigation will reduce the risk of pollution and siltation impacts and ensure the conservation objectives are not undermined for the qualifying features. This will ensure that there are no adverse effects on the integrity of the River Moriston SAC alone or in combination with other projects or plans:</p> <p>- the various pollution prevention and environmental</p>

		<p>management measures, as summarised at Chapter 16 (Schedule of Environmental Commitments) of the EIA report;</p> <ul style="list-style-type: none"> <li>- the mitigation set out in Chapter 5 (Ecology and Nature Conservation) of the EIA report;</li> <li>- the mitigation detailed within Appendix 5.7 (Outline Habitat Management Plan) of the EIA report.</li> </ul> <p>The mitigation measures proposed are well established and in line with guidance and regulation and can be considered to be achievable and effective in preventing identified potential adverse effects. The mitigation will be secured by planning conditions within the planning consent.</p>
8	Consider whether mitigation measures or conditions can be adopted to avoid adverse effects on site integrity	The mitigation referenced in section 7 will be sufficient to avoid adverse effects on site integrity.
	<b>CONCLUSION</b>	
9	Can adverse effects on site integrity be avoided	Yes.

## **Appendix 2: Draft Variations to Annex 1 and 2**

## **Description of the Development**

The Development comprises an electricity generating station known as Bhlaraidh Wind Farm Extension with a generating capacity greater than 50MW, located on adjoining land to the east of the operational Bhlaraidh Wind Farm on the Glenmoriston Estate, near Invermoriston in the administrative area of the Highland Council. The period of consent granted relating to construction and operation is 50 years. The principal components of the Development comprise:

- 15 turbines each with a maximum blade tip height of up to ~~180m~~ 230m;
- crane hardstandings for each turbine;
- approximately 7.9 km of new access tracks;
- approximately 13.5km of existing access tracks;
- an onsite substation;
- ~~eight~~ nine turning heads;
- up to ~~8~~ seven borrow pit search areas;
- two temporary construction compounds;
- a single permanent LIDAR station;
- a concrete batching plant;
- ~~Six~~6 new access track water crossings; and
- two routes of cross country cabling approximately 700m and 1200m in length.

## **Section 36 consent conditions**

### **1. Notification of Date of First Commissioning & Date of Final Commissioning**

Written confirmation of the Date of First Commissioning and the Date of Final Commissioning shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month after those dates.

**Reason:** *To allow the Planning Authority and the Scottish Ministers to calculate the date of expiry of the consent.*

### **2. Commencement of development**

(1) The Commencement of development shall be no later than **6.8** years from the date of this consent, or such other period as the Scottish Ministers may direct in writing.

(2) Written confirmation of the intended date of Commencement of development shall be provided to the Scottish Ministers and the Planning Authority as soon as is practicable after deciding on such a date.

**Reason:** *To ensure that the consent is implemented within a reasonable period. And to allow the Planning Authority and the Scottish Ministers to monitor compliance with obligations attached to this consent and deemed planning permission as appropriate.*

### **3. Non-Assignment**

This consent may not be assigned without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may authorise the assignment of the consent (with or without conditions) or refuse assignment as they may, in their own discretion, see fit. The consent shall not be capable of being assigned, alienated or transferred otherwise than in accordance with the foregoing procedure. The Company shall notify the Planning Authority in writing of the name of the assignee, principal named contact and contact details within 14 days of written confirmation from the Scottish Ministers of an assignment having been granted.

**Reason:** *To safeguard the obligations of the consent if transferred to another company.*

### **4. Serious Incident Reporting**

In the event of any serious breach of health and safety or environmental obligations relating to the development during the period of this consent, the Company will provide written notification of the nature and timing of the incident to the Scottish Ministers, including confirmation of remedial measures taken and/or to be taken to rectify the breach, within 24 hours of the incident occurring.

**Reason:** *To keep the Scottish Ministers informed of any such incidents which may be in the public interest.*

**Conditions to be attached to deemed planning permission**

**5. Implementation in accordance with approved plans**

- (1) Except as otherwise required by the terms of the section 36(C) consent and deemed planning permission, the Development shall be undertaken in accordance with the application:
- (a) including the approved drawings listed at Annex 3 (Figure ~~2.2-1.2~~ Site Layout Plan, ~~Bhlaraidh Extension Additional Information Report, March 2022 Bhlaraidh Wind Farm Extension S36c EIA Report 2025~~);
  - (b) the Environmental Impact Assessment Report (“the EIAR”) as supplemented or amended by the Additional Information Report dated March 2022; and ~~the S36C EIAR for the Proposed Varied Development dated [Insert date] and~~
  - (c) other documentation lodged in support of the application.

**Reason:** *to ensure that the Development is carried out in accordance with the approved details.*

**~~6. Site Enabling Works~~**

~~The Site Enabling Works shall not commence until a detailed scheme of all Site Enabling Works (including off-site and on-site works) has been submitted to and approved in writing by the Planning Authority. This shall include a timetable for all enabling works and shall be submitted a minimum of 1 month in advance of the proposed date of commencement of any Site Enabling Works.~~

~~**Reason:** *To ensure the final details of the Site Enabling Works have regard for rural setting of the Development Site and the potential impact of such works on the infrastructure of the area.*~~

**7.6. Design and Operation of Wind Turbines**

No development, ~~with the exception of the Site Enabling Works~~, shall commence until full details of the proposed wind turbines hereby permitted, have been submitted to and approved in writing by the Planning Authority. These details shall include:

- (a) the make, model, design, direction of rotation (all wind turbine blades shall rotate in the same direction), power rating, sound power level and dimensions of the turbines to be installed, and
- (b) the external colour and/or finish of the wind turbines to be used (including towers, nacelles and blades) which shall be non-reflective, pale grey semi- matte.
- (c) No text, sign or logo shall be displayed on any external surface of the wind turbines, save those required by law under other legislation.
- (d) Thereafter, the wind turbines shall be installed and operate in accordance with these approved details and, with reference to part (b) above, the wind turbines shall be maintained in the approved colour and

- monitored to ensure no significant rust, staining or dis-colouration occurs until such time as the wind farm is decommissioned.
- (e) All wind turbine blades shall rotate in the same direction.

**Reason:** *To ensure the Planning Authority is aware of the wind turbine details and to protect the visual amenity of the area.*

#### **8.7. Signage**

No anemometer, power performance mast, switching station, transformer building, or enclosure, ancillary building or above ground fixed plant shall display any name, logo, sign or advertisement (other than health and safety signage) unless and until otherwise approved in writing by the Planning Authority.

**Reason:** *in the interests of the visual amenity of the area.*

#### **9.8. Design of Sub-station, Ancillary Buildings and other Ancillary Development**

- (1) No development, ~~with the exception of the Site Enabling Works,~~ shall commence, unless and until final details of the external appearance, dimensions, and surface materials of the substation building, associated compounds, construction compound boundary fencing, external lighting and parking areas have been submitted to, and approved in writing by, the Planning Authority.
- (2) The substation building, associated compounds, fencing, external lighting and parking areas shall be constructed in accordance with the details approved under paragraph (1).

**Reason:** *To safeguard the visual amenity of the area.*

#### **10.9. Micro-siting**

- (1) All wind turbines, buildings, masts, areas of hardstanding and tracks shall be constructed in the location shown on plan reference Site Layout Plan (S36C Environmental Impact Assessment Report, Volume 2, Figure 12.2 Site Layout Plan-Additional Information Report). Wind turbines, buildings, masts, areas of hardstanding and tracks may be adjusted by micro-siting within the site. However, unless otherwise approved in advance in writing by the Planning Authority in consultation with NatureScot, SEPA and the ECoW, micro-siting is subject to the following restrictions:

- (a) the wind turbines and other infrastructure hereby permitted may be micro-sited within 50 metres with the exception of the following:-
- (i) sub-station which may be micro-sited within 100m;
  - (ii) T16 and T9 may be micro-sited within 25m and T8 may be micro-sited within 40m to avoid a telecommunications link exclusion zone

- (a)(b) No wind turbine foundation shall be positioned higher, when measured in metres Above Ordinance Datum (AOD), than 10m above

the position shown on plan reference Site Layout Plan (S36C Environmental Impact Assessment Report , Volume 2, Figure 12.2 Site Layout Plan)

~~(b)~~(c) No micro-siting shall take place within areas of peat deeper than currently shown for the relevant infrastructure on S36C Environmental Impact Assessment Report, Volume 2, Figure 10.2~~Figures 10.2a-d of the Environmental Impact Assessment Report;~~ and

~~(c)~~(d) All micro-siting permissible under this condition must be approved in advance in writing by the Environmental Clerk of Works ("ECoW") (see condition 12).

- (2) A plan showing the final position of all wind turbines buildings, masts, areas of hardstanding, tracks and associated infrastructure forming part of the Development shall be submitted to the Planning Authority within one month of the completion of the development works. The plan shall also specify areas where micro-siting has taken place and, for each instance, be accompanied by copies of the ECoW or Planning Authority's approval, as applicable.

**Reason:** *To enable necessary minor adjustments to the position of the wind turbines and other infrastructure to allow for site-specific conditions while maintaining control of environmental impacts and taking account of local ground conditions.*

#### 41.10. Borrow Pit – Blasting

Blasting shall only take place on the site between the hours of 07.00 to 19.00 on Monday to Friday inclusive and 07.00 to 13.00 on Saturdays, with no blasting taking place on a Sunday or on a Public Holiday.

**Reason:** *To ensure that blasting activity is carried out within defined timescales to control impact on amenity.*

#### 42.11. Ecological Clerk of Works ("ECoW")

- (1) No development ~~or Site Enabling Works~~ shall take place unless and until the terms of appointment of an independent Ecological Clerk of Works ("ECoW") by the Company have been submitted to and approved in writing by the Planning Authority (in consultation with NatureScot and SEPA). The terms of appointment shall:

- (a) impose a duty to monitor compliance with the ecological, ornithological and hydrological commitments provided in the Environmental Impact Assessment Report ("the EIAR"), the Additional Information Report, the S36C Environmental Impact Assessment Report and other information lodged in support of the Application, the Construction Environmental Management Plan (condition 13), the Peat Management Plan (condition 17), the Habitat Management Plan (condition 18), the Species Specific Surveys and Protection Plans (condition 13(2)(m)) and other plans approved in terms of the conditions of this planning permission ("the ECoW Works");
- (b) advise on micro-siting proposals issued pursuant to Condition 10;
- (c) require the ECoW to report to the nominated Construction Project Manager any incidences of non-compliance with the ECoW Works at the

earliest practical opportunity and stop the job where any breach has been identified until the time that it has been reviewed by the Construction Project Manager; and require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW Works at the earliest practical opportunity.

- (2) The ECoW shall be appointed on the approved terms during the establishment of the Habitat Management Plan and throughout the period from Commencement of development to completion of post construction reinstatement works.
- (3) No later than eighteen months prior to decommissioning of the Development or the expiry of the section 36 consent (whichever is the earlier), details of the terms of appointment of an ECoW by the Company throughout the decommissioning, restoration and aftercare phases of the Development shall be submitted for the written approval of the Planning Authority.

**Reason:** *To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development during the decommissioning, restoration and aftercare phases.*

#### **13.12. Construction Environmental Management Plan ("CEMP")**

- (1) No development ~~or Site Enabling Works~~ shall commence until a works specific Construction Environmental Management Plan ("CEMP"), related to the phase or phases of works or development to be undertaken has been submitted to and approved in writing by the Planning Authority. The CEMP shall outline site specific details of all on-site construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling.
- (2) The CEMP for each phase of works or development shall include (but is not limited to);
  - (a) site waste management plan (dealing with all aspects of waste produced during the construction period other than peat), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment;
  - (b) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
  - (c) a dust management plan;
  - (d) a drainage management plan, demonstrating how all groundwater, surface water and waste water arising during and after development is to be managed and prevented from polluting any watercourses, water abstractions and private water supplies if relevant, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water. Any temporary drainage during construction should be designed to accommodate a 1:200 year storm event;
  - (e) details of sewage disposal and treatment;
  - (f) details of temporary site illumination;
  - (g) the method of construction of the crane pads;

- (h) the method of construction of the wind turbine foundations;
- (i) the method of working cable trenches;
- (j) the method of construction and erection of the wind turbines and meteorological masts;
- (k) details of post-construction restoration/reinstatement of the working areas not required during the operation of the Development, including construction access tracks, borrow pits, construction compound, storage areas, laydown areas, access tracks, passing places and other construction areas, all of which are to be provided no later than 6 months prior to the date of first commissioning, unless otherwise agreed in writing by the Planning Authority. Wherever possible, reinstatement is to be achieved by the careful use of turfs removed prior to construction works. Details should include all seed mixes to be used for the reinstatement of vegetation;
- (l) confirmation that the M11 mire habitat identified in Target Note 2 on S36C Environmental Impact Assessment Report, Volume 2, Figure 5.3: NVC Communities on Figure 5.6 shall be physically marked on site so that it can be suitably protected from disturbance during construction.
- (m) Species specific surveys and Protection Plans carried out at an appropriate time of year for the species concerned, by a suitably qualified person. The surveys shall cover black grouse, slawonian grebe, golden eagle, greenshank, golden plover, black and red divers, otter, water vole and bats. The survey results and any mitigation measures required for these species on site shall be set out in a species mitigation and management plan, which shall inform construction activities.
- (n) Details of for the submission of a quarterly report summarising work under taken at the site and compliance with the conditions imposed under the Deemed Planning Consent during the period of construction and post construction reinstatement.

**Reason:** *To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental Impact Assessment Report which accompanied the application, or as otherwise agreed, are fully implemented.*

#### **14.13. Watercourse Design**

All new watercourse crossings shall be designed following the recommendations in the Watercourse Crossing Schedule (S36C Environmental Impact Assessment Report, Volume Technical Appendix 9.1: Appendix 9.1–Additional Information Report: Updated Proposed Varied Watercourse Crossing Schedule) and if single span bridges are required these shall be designed to pass the 1 in 200-year flood plus an allowance for climate change. All existing watercourse crossings which require to be replaced shall be designed following recognised best practice guidance.

**Reason:** *In the interests of protecting the water environment.*

#### **15.14. Access Standard**

Visibility splays shall be provided and maintained on each side of the access to the A887 trunk road, to the satisfaction of the Planning Authority, after consultation with Transport Scotland as the Trunk Roads Authority. These splays are the triangles of

ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the setback dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road, unless otherwise agreed in writing with the Planning Authority. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the setback dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.

**Reason:** *To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road and to ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the A887 trunk road is not diminished.*

#### **16.15. Construction Traffic Management Plan ("CTMP")**

No development ~~or Site Enabling Works~~ shall commence until a works specific Construction Traffic Management Plan ("CTMP"), related to the phase or phases of works or development to be undertaken has been submitted to and approved in writing by the Planning Authority in consultation with the Trunk and Local Roads Authorities and Police. The final CTMP shall be submitted no later than six months prior to commencement. The approved CTMP shall be carried out as approved in accordance with the timetable specified within the approved CTMP. The CTMP shall include proposals for:

- (a) A risk assessment for transportation during daylight and hours of darkness;
- (b) Proposed traffic management and mitigation measures within any settlements along the access routes, as required. Measure such as temporary speed limits, suitable temporary signage, road markings and the use of speed activated signs should be considered;
- (c) Consultation and agreement with the Trunk Roads Authority and the Planning Authority to determine appropriate scope and timescales for delivery of any required road safety audit of the A887 and any subsequent mitigation which may be required in the vicinity of the Torgoyle Bridge;
- (d) Consultation and agreement with the Trunk Roads Authority and the Planning Authority to determine appropriate scope and timescales for the delivery of any required road safety audit of the A82 and subsequent mitigation which may be required in the vicinity of any settlements which construction traffic and deliveries of abnormal loads may pass through. This shall be limited to Drumnadrochit, Fort Augustus and Invermoriston;
- (e) A contingency plan prepared by the abnormal load haulier. The plan shall be adopted only after consultation and agreement with the Police and the respective Roads Authorities. It shall include measures to deal with any haulage incidents that may result in public roads becoming temporarily closed or restricted;
- (f) A procedure for the regular monitoring of road conditions and the implementation of any remedial works required as may be reasonably attributable to the project's construction plant and vehicle movements during the construction period;
- (g) A detailed protocol for the delivery of abnormal loads/vehicles, prepared

in consultation and agreement with interested parties. The protocol shall identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of abnormal load movements in the local media. Temporary signage, in the form of demountable signs or similar approved, shall be established, when required, to alert road users and local residents of expected abnormal load movements. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved. All such movements on roads shall take place out with peak times on the network, including school travel times and shall avoid local community events;

- (h) During the delivery period of the wind turbine construction materials any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland before delivery commences;
- (i) Wheel washing facilities shall be provided at an appropriate point within the site adjacent to the access from the A887 trunk road so as to prevent vehicles depositing debris on the trunk road;
- (j) Wheel washing facilities shall be provided at an appropriate point within the site adjacent to the access from the A887 trunk road so as to prevent vehicles depositing debris on the trunk road; and
- (k) During the operational stage of the Development, advance written notification and approval of the Planning Authority in consultation with the respective Roads Authorities, and community councils is required for any significant HGV or Abnormal Load movement required during this period.

**Reason:** *To ensure that the construction of the windfarm is carried out appropriately and does not have an adverse effect on the environment, and to protect road safety and the amenity of all users of the public road and rights of way.*

#### **17.16. Peat Management Plan**

No development ~~or Site-Enabling Works~~ shall commence until a works specific finalised Peat Management Plan ("PMP"), related to the phase or phases of works or development to be undertaken, has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot and SEPA. The PMP shall include:

- (a) the mitigation measures described within the Environmental Impact Assessment Report, the Additional Information and other information submitted in support of the Application;
- (b) The implementation of the design changes and further actions outlined in Table 5.5.4 (Recommendations for Design of Proposed Development) of Appendix 5.5 – EIAR: Volume 4: Peatland Condition Assessment) to limit impact on high quality habitat;
- (c) a demonstration of how micrositings and other measures have been used to further minimise peat and good quality peat habitat disturbance.

The development shall not be carried out other than in accordance with the approved

**PMP.Reason:** *To ensure that a plan is in place to deal with the storage and reuse of peat within the application site, including peat stability and slide risk.*

#### **18.17. Habitat Management Plan ("HMP")**

- (1) No development, ~~with the exception of the Site Enabling Works,~~ shall commence unless and until a finalised Habitat Management Plan ("HMP"), has been submitted to, and approved in writing by the Planning Authority in consultation with NatureScot, and SEPA. The information shall include:
- (a) the mitigation measures contained in the EIAR and be based upon the Outline Plan provided (Appendix 5.7 – EIAR: Volume 4: Outline Habitat Management Plan);
  - (b) The proposed habitat management of the site during the period of construction, operation, decommissioning, restoration and aftercare, and shall provide for the maintenance monitoring and reporting of habitat on site;
  - (c) a scheme of works for peatland restoration works to deliver peatlands commensurate with the quality of the habitat that will be lost directly and indirectly and take advantage of the opportunity for peatland restoration across the site of the Bhalraidh Wind Farm and Bhalraidh Wind Farm Extension;
  - (d) a scheme for planting of montane vegetation (such as juniper and willow). The scheme shall include details of all areas to be planted, the planting mix proposed and details of management of these areas for the lifetime of the Development;
  - (e) a suitable area to leave deer stalking grallochs or carcasses outwith the windfarm development area is identified;
  - (f) a scheme for the delivery of biodiversity enhancement which shall include an emphasis on biodiversity enhancements for black grouse and golden eagle;
  - (g) a scheme for the protection and enhancement of the Golden Eagle population has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt the scheme shall deliver aims and objectives which complement those of the Regional Eagle Conservation Management Plan. Thereafter the approved scheme shall be implemented through the construction, operation and decommissioning of the Development.
  - (h) the provision for regular monitoring and review to be undertaken to consider whether amendments are needed to better meet the habitat plan objectives. In particular, the approved habitat management plan shall be updated to reflect ground condition surveys undertaken following construction and prior to the date of Final Commissioning and submitted for the written approval of the Planning Authority in consultation with NatureScot and SEPA.
- (2) Unless and until otherwise agreed in advance in writing with the Planning Authority, the approved HMP (as amended from time to time) shall be implemented in full.

**Reason:** *In the interests of protecting ecological features and to ensure that the development secures positive effects for biodiversity.*

#### **19.18. Borrow Pits – Scheme of Works**

(1) No development ~~or Site-Enabling Works~~ shall commence unless and until a scheme for the working and restoration of [the/each] borrow pit has been prepared in advance of each phase of works and submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA). The scheme shall include:

- (a) a detailed working method statement based on site survey information and ground investigations;
- (b) details of the handling of any overburden (including peat, soil and rock); drainage measures, including measures to prevent surrounding areas of peatland, water dependant sensitive habitats and Ground Water dependent Terrestrial Ecosystems (GWDTE) from drying out;
- (c) a programme of implementation of the works described in the scheme; and
- (d) details of the reinstatement, restoration and aftercare of the borrow pit(s) to be undertaken at the end of the construction period, including topographic surveys of pre-construction profiles and details of topographical surveys to be undertaken of the restored borrow pit profiles.

(2) The approved scheme shall be implemented in full.

**Reason:** *To ensure that excavation of materials from the borrow pit(s) is carried out in a manner that minimises the impact on road safety, amenity and the environment, and to secure the restoration of borrow pit(s) at the end of the construction period.*

#### **20.19. Deer Management Plan**

No development, ~~with the exception with the exception of the Site-Enabling Works,~~ shall commence until a Deer Management Plan ("DMP") has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot. The DMP will set out proposed long term management of deer using the Development site and shall provide for the monitoring of deer numbers on site from the period from Commencement of development until the date of completion of restoration. The approved DMP shall thereafter be implemented in full.

**Reason:** *To protect ecological interests.*

#### **21.20. Redundant Turbines**

In the event that any wind turbine installed and commissioned fails to produce electricity on a commercial basis to the public network for a continuous period of 12 months, then unless otherwise agreed in writing with the Planning Authority, after consultation with the Scottish Ministers and NatureScot, such wind turbine will be deemed to have ceased to be required. If deemed to have ceased to be required, the

wind turbine and its ancillary equipment will be dismantled and removed from the site within the following 12-month period, and the ground reinstated to the specification and satisfaction of the Planning Authority after consultation with the Scottish Ministers and NatureScot.

**Reason:** *To ensure that any redundant wind turbine is removed from Site, in the interests of safety, amenity and environmental protection.*

#### **22-21. Aviation Safety – Lighting**

No development, ~~with the exception of Site Enabling Works~~, shall commence until a scheme for aviation lighting for the Development consisting of Ministry of Defence ("MoD") accredited infra-red and permanent perimeter aviation lighting has been submitted to and approved in writing by the Planning Authority in consultation with the MoD. The turbines shall be erected with the approved lighting installed and the lighting shall remain operational throughout the duration of the permission.

**Reason:** *in the interests of aviation safety.*

#### **23-22. Aviation Safety**

At least 14 days prior to the commencement of the erection of the turbines the Company has provided the Planning Authority, Ministry of Defence, Defence Geographic Centre and National Air Traffic Services ("NATS") with the following information and has provided evidence to the Planning Authority of having done so.

- (a) the date of the commencement of the erection of wind turbine generators;
- (b) the maximum height of any construction equipment to be used in the erection of the wind turbines;
- (c) the date any wind turbine generators are brought into use;
- (d) the latitude and longitude and maximum heights of each wind turbine generator, and any anemometer mast(s).

**Reason:** *In the interests of aviation safety.*

#### **24-23. Site Decommissioning, Restoration and Aftercare**

- (1) The Development will be decommissioned and will cease to generate electricity by no later than the date fifty years from the date of Final Commissioning. The total period for restoration of the Site in accordance with this condition shall not exceed three years from the date of Final Generation without prior written approval of the Scottish Ministers in consultation with the Planning Authority.
- (2) No development ~~or Site Enabling Works~~ shall commence unless and until a decommissioning, restoration and aftercare strategy has been submitted to, and approved in writing by, the Planning Authority (in consultation with NatureScot and SEPA). The strategy shall outline measures for the decommissioning of the Development and restoration and aftercare of the site and shall include proposals for the removal of the Development, the treatment

of ground surfaces, the management and timing of the works and environmental management provisions.

(3) Not later than 3 years before decommissioning of the Development or the expiration of this consent (whichever is the earlier), a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted for the written approval of the Planning Authority in consultation with NatureScot and SEPA.

(4) The detailed decommissioning, restoration and aftercare plan shall provide updated and detailed proposals, in accordance with relevant guidance at that time, for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include (but is not limited to):

- (a) site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
- (b) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
- (c) a dust management plan;
- (d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- (e) details of anticipated impacts on the road networks and vehicle types and movements;
- (f) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
- (g) details of measures for soil storage and management;
- (h) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- (i) details of measures for sewage disposal and treatment;
- (j) temporary site illumination;
- (k) the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;
- (l) details of watercourse crossings; and
- (m) a species protection plan based on surveys for protected species (including birds) carried out no longer than eighteen months prior to submission of the plan.

(5) The Development shall be decommissioned, site restored and aftercare thereafter undertaken in accordance with the approved plan, unless otherwise agreed in writing in advance with the Planning Authority in consultation with NatureScot and SEPA.

**Reason:** *To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.*

## **25-24. Financial Guarantee**

- (1) No development ~~or Site-Enabling Works~~ shall commence unless and until a bond or other form of financial guarantee in terms reasonably acceptable to the Planning Authority which secures the cost of performance of all decommissioning, restoration and aftercare obligations referred to in condition 24 is submitted to the Planning Authority.
- (2) The value of the financial guarantee shall be agreed between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations referred to in condition 24.
- (3) The financial guarantee shall be maintained in favour of the Planning Authority until the date of completion of all decommissioning, restoration and aftercare obligations referred to in condition 24.
- (4) The value of the financial guarantee shall be reviewed by agreement between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with decommissioning, restoration and aftercare obligations and best practice prevailing at the time of each review.

**Reason:** *to ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this deemed planning permission in the event of default by the Company.*

## **26-25. Outdoor Access Plan**

- (1) No development ~~or Site-Enabling Works~~ shall commence until a finalised and detailed Outdoor Access Plan has been submitted to and approved in writing by the Planning Authority. The purpose of the plan shall be to maintain public access routes to site tracks and paths during construction, and to enhance public outdoor access in the long-term. The Outdoor Access Plan shall include details showing:
  - (a) all existing access points, paths, core paths, tracks, rights of way and other routes whether on land or inland water), and any areas currently outwith or excluded from statutory access rights under Part One of the Land Reform (Scotland) Act 2003, within and adjacent to the application site;
  - (b) any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or effect on curtilage related to buildings or structures;
  - (c) all proposed paths tracks and other alternative routes for use by walkers, riders, cyclists, canoeists, all-abilities users, etc. and any other relevant outdoor access enhancement (including construction specifications, signage, information leaflets, proposals for on-going maintenance etc;

any diversion of paths, tracks or other routes (whether on land or inland water), temporary or permanent, proposed as part of the Development (including details of mitigation measures, diversion works, duration and signage);

- (d) the location design and specification for a pass gate at locked gate at NH395172 this and other gate locations which, in this case, should be installed before construction starts.

- (2) The approved Outdoor Access Plan, and any associated works, shall be implemented in full prior to the Commencement of development or as otherwise may be agreed within the approved plan.

**Reason:** *In the interests of securing public access rights.*

## **27.26. Community Liaison Group**

No development ~~or Site Enabling Works~~ shall commence unless and until a Community Liaison Plan has been approved in writing by the Planning Authority after consultation with the relevant local community councils. This plan shall include the arrangements for establishing a Community Liaison Group to act as a vehicle for the community to be kept informed of project progress by the Company. The terms and condition of these arrangement must include that the Community Liaison Group will have timely dialogue in advance on the provision of all transport-related mitigation measures and keep under review the timing of the delivery of turbine components. The terms and conditions shall detail the continuation of the Community Liaison Group until the wind farm has been completed and is fully operational. The approved Community Liaison Plan shall be implemented in full.

**Reason:** *To assist with the provision of mitigation measures to minimise potential hazards to road users including pedestrians, travelling on the road networks.*

## **28.27. Site Inspection Strategy**

- (1) Prior to the Date of Final Commissioning, the Company shall submit an outline Site Inspection Strategy (Outline SIS) for the written approval of the Planning Authority. The Outline SIS shall set out a strategy for the provision of site inspections and accompanying Site Inspection Reports (SIR) to be carried out at 25 years of operation from the Date of Final Commissioning and every five years thereafter.
- (2) No later than 24 years after the Date of Final Commissioning, the Company shall submit a final detailed Site Inspection Strategy (Final SIS), based on the principles of the approved Outline SIS for the written approval of the Planning Authority. The Final SIS shall set out updated details for the provision of site inspections and accompanying Site Inspection Reports (SIR), in accordance with relevant guidance at that time, to be carried out at 25 years of operation from the Date of Final Commissioning and every five years thereafter.
- (3) At least one month in advance of submitting each SIR to the Planning Authority, the scope of the SIR shall be agreed with the Planning Authority.

(4) The SIR shall include, but not be limited to:

- (a) Details to demonstrate that the infrastructure components of the Development are still operating in accordance with condition 7 and condition 30; and
- (b) An engineering report which details the condition of tracks, turbine foundations and the wind turbines and sets out the requirements and the programme for the implementation for any remedial measures which may be required.

(5) The SIS and each SIR shall be implemented in full unless otherwise agreed in advance in writing by the Planning Authority.

**Reason:** *To ensure the Development is being monitored at regular intervals throughout after the first 25 years of operation.*

#### **29.28. Water Quality and Fish Monitoring Plan**

- (1) There shall be no Commencement of development until an integrated Water Quality and Fish Monitoring Plan (“WQFMP”) has been submitted to and approved in writing by the Planning Authority in consultation with Ness District Salmon Fishery Board.
- (2) The WQFMP must take account of Marine Scotland Science’s guidance and shall include:
  - (a) provision that water quality sampling should be carried out for 12 months (or as agreed with the Planning Authority) prior to Commencement of development, during construction and for 12 months after construction is complete;
  - (b) key hydrochemical parameters (including turbidity and flow data), the identification of sampling locations (including control sites), frequency of sampling, sampling methodology, data analysis and reporting;
  - (c) fully quantitative electrofishing surveys at sites potentially impacted and at control sites for 12 months (or as agreed with the Planning Authority) prior to the Commencement of development, during construction and for 12 months after construction is completed to detect any changes in fish populations; and
  - (d) appropriate site specific mitigation measures including those detailed in the EIA Report.
- (3) Thereafter, the WQFMP shall be implemented in full within the timescales set out in the WQFMP.

**Reason:** *To ensure no deterioration of water quality and to protect fish populations within and downstream of the development area.*

### 30-29. Noise

The rating level of noise imissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed more than 2dB above the maximum predicted levels within Additional Information Report Chapter 11, Tables 11.3 & 11.4 at any windspeed. The noise limits are presented in the table below:.

Receptor	Noise Limit (dB LA90)
Bhlaraidh	29
Levishie	32
Achnaconeran	31

**Table 11.3 - Compliance Table – Comparison of predicted noise levels from the 15 turbine Proposed Development against the SSNL at each receptor – Daytime**

Receptor		Wind Speed (ms <sup>-1</sup> ) as standardised to 10m height											
		1	2	3	4	5	6	7	8	9	10	11	12
NAL1 – Bhlaraidh	Site Specific Noise Limit	37.0	37.0	37.4	38.1	39.2	39.9	41.3	43.5	46.3	48.6	51.2	51.2
	Predicted Wind Turbine Noise LA90	-	13.4	14.7	18.4	22.7	25.7	26.3	27.0	27.0	27.0	27.0	27.0
	Exceedance Level LA90	-	-	-	-	-	-	-	-	-	-	-	-
NAL2 – Levishie	Site Specific Noise Limit	41.0	41.0	41.1	41.7	42.8	44.2	45.8	47.6	49.4	51.2	52.8	52.8
	Predicted Wind Turbine Noise LA90	-	16.8	18.1	21.8	26.1	29.1	29.7	30.4	30.4	30.4	30.4	30.4
	Exceedance Level LA90	-	-	-	-	-	-	-	-	-	-	-	-
NAL3 - Achnaconeran	Site Specific Noise Limit	35.0	35.0	35.0	35.0	35.0	33.8	32.9	32.7	32.7	32.7	32.7	32.7
	Predicted Wind Turbine Noise LA90	-	15.6	16.9	20.6	24.9	27.9	28.5	29.2	29.2	29.2	29.2	29.2
	Exceedance Level LA90	-	-	-	-	-	-5.9	-4.4	-3.5	-3.5	-3.5	-3.5	-3.5

**Table 11.4 - Compliance Table – Comparison of predicted noise levels from the 15 turbine Proposed Development against the SSNL at each receptor – Night time**

Receptor		Wind Speed (ms <sup>-1</sup> ) as standardised to 10m height											
		1	2	3	4	5	6	7	8	9	10	11	12
NAL1 – Bhiaraidh	Site Specific Noise Limit	43.0	43.0	43.0	43.0	43.0	43.0	42.3	42.3	42.3	43.8	43.8	43.8
	Predicted Wind Turbine Noise L <sub>A90</sub>	-	13.4	14.7	18.4	22.7	25.7	26.3	27.0	27.0	27.0	27.0	27.0
	Exceedance Level L <sub>A90</sub>	-	-	-	-	-	-	-	-	-	-	-	-
NAL2 – Levishie	Site Specific Noise Limit	43.0	43.0	43.0	43.0	43.0	43.0	42.6	44.2	46.5	48.8	48.8	48.8
	Predicted Wind Turbine Noise L <sub>A90</sub>	-	16.8	18.1	21.8	26.1	29.1	29.7	30.4	30.4	30.4	30.4	30.4
	Exceedance Level L <sub>A90</sub>	-	-	-	-	-	-	-	-	-	-	-	-
NAL3 - Achnacraneran	Site Specific Noise Limit	35.0	35.0	35.0	35.0	35.0	33.8	32.9	32.7	32.7	32.7	32.7	32.7
	Predicted Wind Turbine Noise L <sub>A90</sub>	-	15.6	16.9	20.6	24.9	27.9	28.5	29.2	29.2	29.2	29.2	29.2
	Exceedance Level L <sub>A90</sub>	-	-	-	-	-	-5.9	-4.4	-3.5	-3.5	-3.5	-3.5	-3.5

A) Prior to the First Commissioning Date, the Company shall submit to the Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Planning Authority.

B) Within 21 days from receipt of a written request of the Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the Company shall, at its expense, employ an independent consultant approved by the Planning Authority to assess the level of noise imissions from the Development at the complainant's property (or a suitable alternative location agreed in writing with the Planning Authority) in accordance with the procedures described in the attached Guidance Notes.

The written request from the Planning Authority shall set out at least the date, time and location that the complaint relates to. Within 14 days of receipt of the written request of the Planning Authority made under this paragraph (B), the Company shall provide the information relevant to the complaint to the Planning Authority in the format set out in Guidance Note 1(e).

C) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the Company shall submit to the Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken.

Where the proposed measurement location is close to the wind turbines, rather than at the complainants property (to improve the signal to noise ratio), then the Company's submission shall include a method to calculate the noise level from the wind turbines at the complainants property based on the noise levels measured at the agreed location (the alternative method). Details of the alternative method together with any associated guidance notes deemed necessary, shall be submitted to and agreed in writing by the Planning Authority prior to the commencement of any measurements.

Measurements to assess compliance with the noise limits of this condition shall be undertaken at the measurement location approved in writing by the Planning Authority

D) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the Company shall submit to the Planning Authority for written approval a proposed assessment protocol setting out the following:

- i. the range of meteorological and operational conditions (the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise imissions.
- ii. a reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component.

The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the information provided in the written request of the Planning Authority under paragraph (B), and such others as the independent consultant considers necessary to fully assess the noise at the complainant's property. The assessment of the rating level of noise imissions shall be undertaken in accordance with the assessment protocol approved in writing by the Planning Authority and the attached Guidance Notes.

E) The Company shall provide to the Planning Authority the independent consultant's assessment of the rating level of noise imissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Planning Authority made under paragraph (B) of this condition unless the time limit is extended in writing by the Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance

Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Planning Authority with the independent consultant's assessment of the rating level of noise emissions.

F) Where a further assessment of the rating level of noise imissions from the Development is required pursuant to Guidance Note 4(c) of the attached Guidance Notes, the Company shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (E) above unless the time limit for the submission of the further assessment has been extended in writing by the Planning Authority.

G) The Company shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d) of the attached Guidance Notes. The data from each wind turbine shall be retained for a period of not less than 24 months. The Company shall provide this information in the format set out in Guidance Note 1(e) of the attached Guidance Notes to the Planning Authority on its request within 14 days of receipt in writing of such a request.

H) In the event that the rating level, after adjustment for background noise contribution and any tonal penalty, is found to exceed the conditioned limits, the Company shall submit to the Planning Authority for written approval, a scheme of mitigation to be implemented within fourteen days of submission of the report identifying the exceedance (as required under paragraph (F) above). The scheme shall define any reduced noise running modes to be used in the mitigation together with sound power levels in these modes and the manner in which the running modes will be defined in the SCADA data.

I) The scheme referred to in paragraph H above should include a framework of immediate and long-term mitigation measures. The immediate mitigation measures must ensure the rating level will comply with the conditioned limits and must be implemented within 14 days of the submission of the report identifying the exceedance. These measures must remain in place, except during field trials to optimise mitigation, until a long-term mitigation strategy is ready to be implemented.

## 1. Guidance Notes for Noise Condition

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise imissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Note 3 with any necessary correction for residual background noise levels in accordance with Note 4. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind

Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

2. Note 1

- a) Values of the LA90,10-minute noise statistic should be measured at the complainant's property (or an approved alternative representative location as detailed in Note 1(b)), using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated before and after each set of measurements, using a calibrator meeting BS EN 60945:2003 "Electroacoustics - sound calibrators" Class 1 with PTB Type Approval (or the equivalent UK adopted standard in force at the time of the measurements) and the results shall be recorded. Measurements shall be undertaken in such a manner to enable a tonal penalty to be calculated and applied in accordance with Guidance Note 3.
- b) The microphone shall be mounted at 1.2 - 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone shall be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the Company shall submit for the written approval of the Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.
- c) The LA90,10-minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind speed and wind direction data and with operational data logged in accordance with Guidance Note 1(d) and rain data logged in accordance with Note 1(f).
- d) To enable compliance with the conditions to be evaluated, the Company shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine, arithmetic mean power generated by each turbine and any data necessary to define the running mode as set out in the Curtailment Plan, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with

the Planning Authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. Each 10 minute arithmetic average mean wind speed data as measured at turbine hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data which is correlated with the noise measurements determined as valid in accordance with Note 2(b), such correlation to be undertaken in the manner described in Note 2(c). All 10 minute periods shall commence on the hour and in 10 minute increments thereafter synchronised with Greenwich Mean Time and adjusted to British Summer Time where necessary.

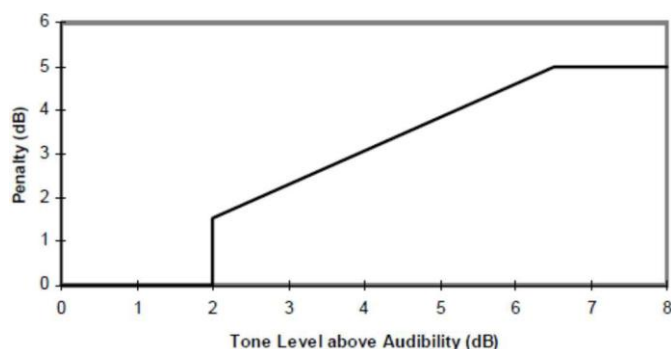
- e) Data provided to the Planning Authority shall be provided in comma separated values in electronic format with the exception of data collected to assess tonal noise (if required) which shall be provided in a format to be agreed in writing with the Planning Authority.
- f) A data logging rain gauge shall be installed in the course of the independent consultant undertaking an assessment of the level of noise emissions. The gauge shall record over successive 10 minute periods synchronised with the periods of data recorded in accordance with Note 1(d). The Company shall submit details of the proposed location of the data logging rain gauge to the Planning Authority prior to the commencement of measurements.

### 3. Note 2

- a) The noise measurements should be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b).
- b) Valid data points are those measured during the conditions set out in the assessment protocol approved by the Planning Authority but excluding any periods of rainfall measured in accordance with Note 1(f).
- c) Values of the LA90,10-minute noise measurements and corresponding values of the 10-minute standardised ten metre height wind speed for those data points considered valid in accordance with Note 2(b) shall be plotted on an XY chart with noise level on the Y-axis and wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) shall be fitted to the data points to define the wind farm noise level at each integer speed.

4. Note 3

- a) Where, in accordance with the approved assessment protocol noise imissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty shall be calculated and applied using the following ratingprocedure.
- b) For each 10-minute interval for which LA90,10-minute data have been determined as valid in accordance with Note 2, a tonal assessment shall be performed on noise imissions during 2 minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure shall be reported.
- c) For each of the 2-minute samples the tone level above audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R-97.
- d) The tone level above audibility shall be plotted against wind speed for each of the 2-minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.
- e) A least squares "best fit" linear regression shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line fitted to values within  $\pm 0.5\text{m/s}$  of each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Note 2.
- f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below derived from the average tone level above audibility for each integer wind speed.



5. Note 4

- a) If a tonal penalty is to be applied in accordance with Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Note 3 at each integer wind speed within the range set out in the approved assessment protocol.

If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Note 2.

- b) If the rating level lies at or below the noise limits approved by the Planning Authority then no further action is necessary. In the event that the rating level is above the noise limits, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise imission only.
- c) The Company shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:
- i. Repeating the steps in Note 2, with the turbines switched off, and determining the background noise (L3) at each integer wind speed within the range set out in the approved noise assessment protocol.
- ii. The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log \left[ 10^{L_2/10} - 10^{L_3/10} \right]$$

- iii. The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Note 3) to the derived noise L1 at that integer wind speed.
- iv. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty lies at or below the noise limits approved by the Planning Authority, then no further action is necessary. If the rating level at any integer wind speed exceeds the noise limits approved by the Planning Authority, then the Development fails to comply with the conditions.

**Reason:** To protect amenity and to ensure that noise limits are not exceeded and to enable prompt investigation of complaints.

### **Definitions Relevant to Conditions**

"**The Application**" means the application submitted by the Company on ~~20-August 2021;~~ 30<sup>th</sup> January 2026

"**Application Environmental Information**" means the combination of EIA report submitted by the Company in 20 August 2021, ~~and~~ the Additional Information Report submitted in 25 March 2022 and the EIA Report submitted in 30 January 2026-

"**Commencement of development**" means the date on which development shall be taken as begun in accordance with section 27 of the Town and Country Planning (Scotland) Act 1997;

"**date of Final Generation**" means the date that the Development ceases to generate electricity to the grid network;

"**the Company**" means SSE Generation Limited, company registration number 02310571 and registered address No.1 Forbury Place, 43 Forbury Road, Reading, United Kingdom, RG1 3JH or such other person for the time being entitled to the benefit of the consent under section 36 of the Electricity Act 1989.

"**development**" means the implementation of the consent and deemed planning permission ~~excluding Site Enabling Works~~ by the carrying out of a material operation within the meaning of section 27 of the Town and Country Planning (Scotland) Act 1997.

"**the Development**" means the Development described in Annex 1;

"**dwelling**" means a building within Use Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 which lawfully exists or had planning permission at the date of this consent and deemed planning permission.

"**Final Commissioning**" means the earlier of (a) the date on which electricity is exported to the grid on a commercial basis from the last of the wind turbines forming part of the Development erected in accordance with this consent; or (b) the date falling 18 months from the date of First Commissioning unless a longer period is agreed in writing in advance with the Planning Authority.

"**First Commissioning**" means the date on which electricity is first exported to the grid network on a commercial basis from any of the wind turbines forming part of the Development.

"**HES**" means Historic Environment Scotland

"**the planning authority**" means the Highland Council.

"**SEPA**" means the Scottish Environment Protection Agency.

**~~“Site Enabling Works”~~** means ~~construction of c.1.4km of new access track from the existing wind farm to the substation platform location, including construction of new permanent watercourse crossing WX01; construction of the substation platform; construction of any associated surface water drainage provisions for the access tracks and substation platform; temporary and permanent water supply and the installation of any required cables, cable ducting and culverts associated for all the aforementioned, and, any minor track improvement works required along the existing site infrastructure to facilitate these works, the opening and working of borrow pits BP01 and BP06 H and the formation of temporary construction compounds prior to the commencement of construction of the main site.~~

## **Appendix 3: Site Layout Plan**

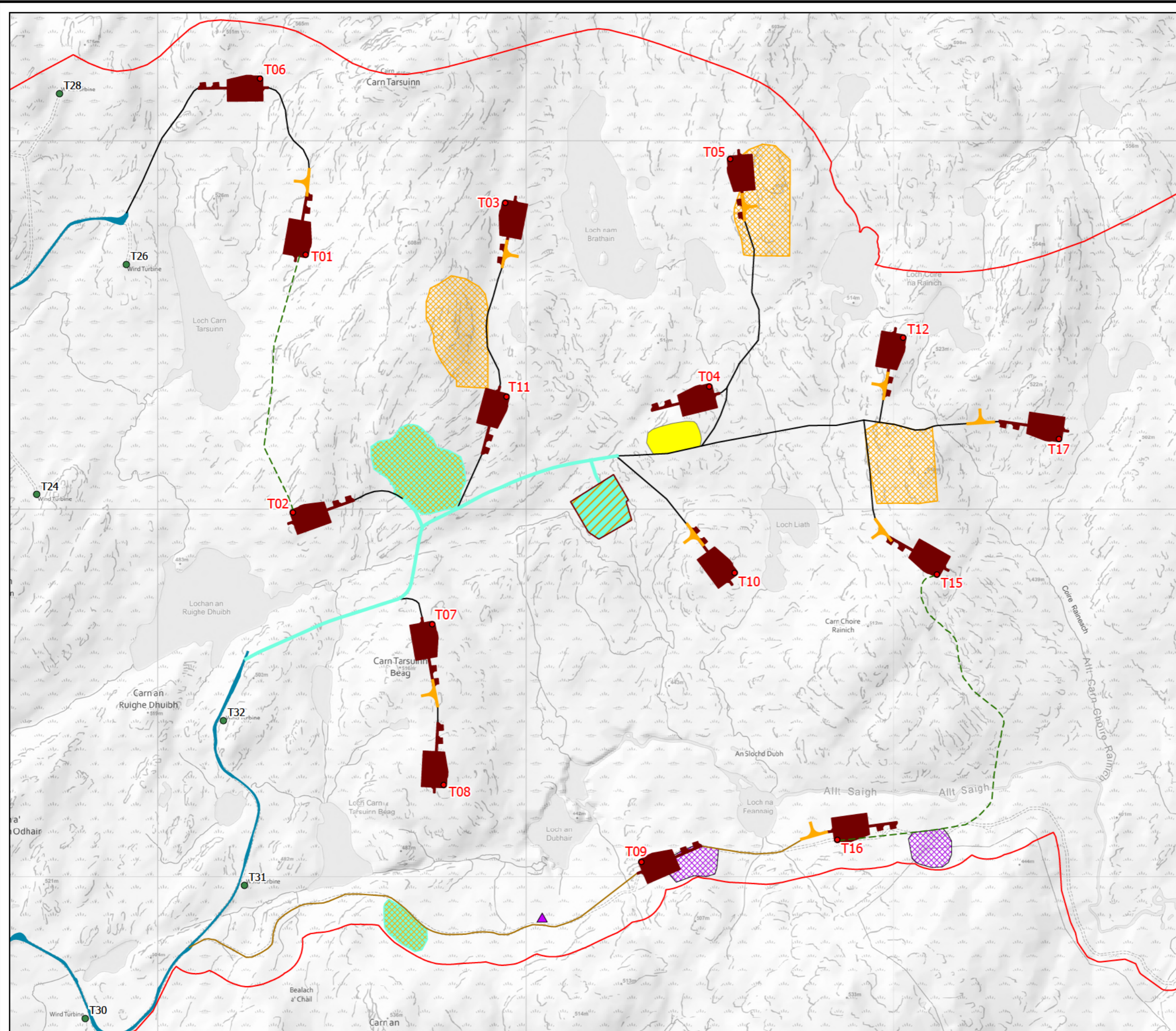
- Key**
- Site Boundary
  - Operational Bhlaraidh Wind Farm Turbines
  - Existing Access Route
  - S36C Proposed Variations**
  - Turbine Location
  - ▲ LiDAR Location
  - Existing Hydro Track (To Be Upgraded)
  - Track Alignment
  - Cross Country Cable Route Alignment
  - Enabling Works Access track
  - Borrow Pit Search Area
  - Hydro Borrow Pits Search Area
  - Enabling Works Borrow Pit (Worked and Reinstated)
  - Substation Platform (Enabling Works Already Constructed)
  - Hardstands
  - Turning Heads
  - Batching Plant Search Area

Scale 1:10,000 @ A3



**Figure 1.2**  
**Site Layout Plan**

**Bhlaraidh Wind Farm Extension**  
**S36C EIA Report 2025**  
**Proposed Varied Development**



## **Appendix 4: Public Notice**

**SSE Generation Ltd**  
**ELECTRICITY ACT 1989**  
**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**  
**THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)**  
**(SCOTLAND) REGULATIONS 2017**

Notice is hereby given that **SSE Generation Ltd**, (“the Company”) with company registration number **02310571**, having its registered office at **No1 Forbury Place, 43 Forbury Road, Reading, United Kingdom, RG1 3JH**, has made an application (the “variation application”) to the Scottish Ministers to vary the consent granted under section 36 of the Electricity Act 1989 (the “section 36 consent”) to construct and operate **Bhlaraidh Wind Farm Extension on adjoining land to the east of the operational Bhlaraidh Wind Farm on the Glenmoriston Estate, north-west of Invermoriston, Highland** (Central Grid Reference **239512, 820991**) previously consented on **30th August 2022** by Scottish Ministers. The proposed variation is subject to Environmental Impact Assessment (EIA) and an EIA Report has been produced to accompany the variation application.

The variation application seeks to make the following variations:

- An increase in maximum turbine tip height from 180m to 230m, with a commensurate increase in the hub height and the hardstands required;
- An increase in the nominal blade length from 73.6m - 79.7m
- Optimisation of the onsite access tracks;
- The taller turbines require an updated lighting scheme, to be compliant with aviation regulations.

A summary of the variation application, a copy of the variation application, a copy of the original section 36 consent and decision letter including the direction under section 57 of the Town and Country Planning (Scotland) Act 1997 which stated that planning permission was deemed to be granted, and the EIA report prepared in relation to the proposed varied development (“the variation application documents”) are available for public inspection in person, free of charge, during normal office hours at:

Location	Opening hours	Address
The Highland Council HQ	8am to 4pm Monday - Friday	Glenurquhart Road, Inverness, IV3 5NX
The Glenmoriston Millenium Hall	9am to 5pm	Invermoriston, IV63 7YA

The Fort Augustus Village Hall	9am to 5pm	Free Church Road, Fort Augustus, PH32 4DG
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The variation application documents can also be viewed on the application website at [Bhlaraidh Extension | SSE Renewables](#) or at [www.energyconsents.scot](http://www.energyconsents.scot) under application reference **ECU00006176**.

Copies of the variation application documents may be obtained from SSE Generation Limited, FAO Onshore Development Team, 1 Waterloo Street, Glasgow, G2 6AY or [OWSBSupport@sse.com](mailto:OWSBSupport@sse.com) at a charge of £1,500 hard copy and £15 on USB storage device. Copies of a short Non-Technical Summary are available free of charge.

Any representations on the application may be submitted via [www.energyconsents.scot](http://www.energyconsents.scot), using the relevant Project Name and/or ECU reference number. Please note that you must be in possession of a working email address to submit a representation virtually.

If you would prefer to submit your representation by post, please send to the Scottish Government, Energy Consents Unit, 4th Floor, 5 Atlantic Quay, 150 Broomielaw, Glasgow, G2 8LU, identifying the proposal and specifying the grounds for representation. Written representations should be dated, clearly stating the name (in block capitals) and full postal address of those making representations.

All representations should be received not later than 20<sup>th</sup> March 2026 although Scottish Ministers may be able to consider written representations received after this date.

Any subsequent additional information which is submitted by the Company will be subject to further public notice in this manner, and representations to such information will be accepted as per this notice.

Where Scottish Ministers decide to exercise their discretion to do so, they can cause a public inquiry to be held.

Following examination of the environmental information, Scottish Ministers will determine the variation application in one of two ways:

- agree to vary the section 36 consent subject to any conditions they may require, or
- refuse the variation application.

General Data Protection Regulations

The Scottish Government processes representations under the Electricity Act 1989. To support transparency in decision making, the Scottish Government publishes online at [www.energyconsents.scot](http://www.energyconsents.scot).

A privacy notice is published on the Help page at [www.energyconsents.scot](http://www.energyconsents.scot). This explains how the Scottish Government processes your personal information. If you have any concerns about the processing of your personal information by the Scottish Government, please email [EconsentsAdmin@gov.scot](mailto:EconsentsAdmin@gov.scot) or write to Scottish Government, Energy Consents Unit, 4th Floor, 5 Atlantic Quay, 150 Broomielaw, Glasgow, G2 8LU.

## **Appendix 5: Marine Directorate Checklist**

## Appendix X: Marine Directorate – Science Evidence Data and Digital (MD-SEDD) – EIA Checklist

MD-SEDD Standard EIA Report Requirements	Provided in application YES/NO	If YES – please signpost to relevant chapter of EIA Report	If not provided or provided different to <b>MD-SEDD</b> advice, please set out reasons.
<p>1. A map outlining the proposed development area and the proposed location of:</p> <ul style="list-style-type: none"> <li>• the turbines,</li> <li>• associated crane hard standing areas,</li> <li>• borrow pits,</li> <li>• permanent meteorological masts,</li> <li>• access tracks including watercourse crossings,</li> <li>• all buildings including substation, battery storage;</li> <li>• permanent and temporary construction compounds;</li> <li>• all watercourses; and contour lines;</li> </ul>	Yes	<b>S36C EIAR, Volume 2, Figure 1.2, Site Layout Plan</b>	N/A
<p>2. A description and results of the site characterisation surveys for fish (including fully quantitative electrofishing surveys) and water quality including the location of the electrofishing and fish habitat survey sites and water quality sampling sites on the map outlining the proposed turbines and associated infrastructure.</p> <p><b>This should be carried out where a Special Area of Conservation (SAC) is present and where salmon are a qualifying feature, and in exceptional cases when required in the scoping advice for other reasons. In other cases, developers can assume that fish populations are present;</b></p>	Yes	<b>S36C EIAR, Volume 4, Appendix 5.4 Fish Habitat and Population Baseline Survey</b>	N/A

MD-SEDD Standard EIA Report Requirements	Provided in application YES/NO	If YES – please signpost to relevant chapter of EIA Report	If not provided or provided different to <b>MD-SEDD</b> advice, please set out reasons.
3. An outline of the potential impacts on fish populations and water quality within and downstream of the proposed development area;	Yes	<b>S36C EIAR, Volume 2, Chapter 5 Ecology (section 5.9)</b>  <b>S36C EIAR, Volume 2, Chapter 9 Hydrology and Hydrogeology (section 9.8)</b>	N/A
4. Any potential cumulative impacts on the water quality and fish populations associated with adjacent (operational and consented) developments including wind farms, hydro schemes, aquaculture and mining;	Yes	<b>S36C EIAR, Volume 2, Chapter 5 Ecology (section 5.13)</b>  <b>S36C EIAR, Volume 2, Chapter 9 Hydrology and Hydrogeology (section 9.11)</b>	N/A
5. Any proposed site specific mitigation measures as outlined in <b>MD-SEDD</b> generic scoping guidelines and the joint publication “Good Practice during Wind Farm Construction” ( <a href="https://www.nature.scot/guidancegood-practice-during-wind-farm-construction">https://www.nature.scot/guidancegood-practice-during-wind-farm-construction</a> );	Yes	<b>S36C EIAR, Volume 2, Chapter 5 Ecology (section 5.10)</b>  <b>S36C EIAR, Volume 2, Chapter 9 Hydrology and Hydrogeology (section 9.10)</b>	N/A
6. Full details of proposed monitoring programmes using guidelines issued by <b>MD-SEDD</b> and accompanied by a map outlining the proposed sampling and control sites in addition to the location of all turbines and associated infrastructure.  <b>At least 12 months of baseline preconstruction data should be included. The monitoring programme can be secured using suitable wording in a condition.</b>	Proposed monitoring plan included within application.  Baseline preconstruction data not yet available.	<b>S36C EIAR, Volume 4, Technical Appendix 3.6g: WQFMP</b>	This requirement will be secured by planning condition for the varied development, as it is within the existing Consent Condition 29.  Baseline monitoring programme will be undertaken in accordance with construction of the varied development.

MD-SEDD Standard EIA Report Requirements	Provided in application YES/NO	If YES – please signpost to relevant chapter of EIA Report	If not provided or provided different to <b>MD-SEDD</b> advice, please set out reasons.
<p>7. A decommissioning and restoration plan outlining proposed mitigation/monitoring for water quality and fish populations.</p> <p><b>This can be secured using suitable wording in a condition.</b></p>	No	N/A	This requirement will be secured by planning condition for the varied development.
Developers should specifically discuss and assess potential impacts and appropriate mitigation measures associated with the following:	Provided in application YES/NO	If YES – please signpost to relevant chapter of EIA Report	If not provided or provided different to <b>MD-SEDD</b> advice, please set out reasons.
<p>1. Any designated area (<b>e.g. SAC</b>), for which fish is a qualifying feature, within and/or downstream of the proposed development area;</p>	Yes	<p><b>S36C EIAR, Volume 2, Chapter 5 Ecology</b></p> <p>River Moriston SAC is “<i>Separated from the Proposed Development to the north by the main A887 road, hills, open moorland and forestry</i>”. <b>Table 5.4</b></p> <p><b>S36C EIAR, Volume 2, Chapter 9 Hydrology and Hydrogeology</b></p> <p>“<i>The Site extends into the River Moriston catchment in the south however the large majority of the Site area is assessed as not being in hydraulic connectivity to the River Moriston.</i>” <b>Paragraph 9.1.2</b></p>	N/A

Developers should specifically discuss and assess potential impacts and appropriate mitigation measures associated with the following:	Provided in application YES/NO	If YES – please signpost to relevant chapter of EIA Report	If not provided or provided different to <b>MD-SEDD</b> advice, please set out reasons.
2. The presence of a large density of watercourses;	Yes	<b>S36C EIAR, Volume 2, Chapter 9 Hydrology and Hydrogeology</b> <i>“The Site features numerous watercourses and water bodies.”</i> <i>“The majority of the Site is anticipated to drain to the Allt Saigh, either directly or for the most part via the numerous smaller tributaries / sub-catchments to the Allt Saigh.”</i> <i>“The main watercourses within the study area are classed by SEPA as heavily modified water bodies (HMWB)”.</i>	N/A
3. The presence of large areas of deep peat deposits;	No	<b>S36C EIAR, Volume 2, Chapter 10 Geology and Soils</b> <i>“Peat depths were found to vary across the Site, but most of the peat was found to be less than 1.0m depth (92%of probe locations).”</i>	N/A
4. Known acidification problems and/or other existing pressures on fish populations in the area; and	Yes	<b>S36C EIAR, Volume 4, Appendix 5.4 Fish Habitat and Population Baseline Survey</b>	N/A
5. Proposed felling operations.	N/A – no felling operations proposed		